

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.07.2019

CORAM

THE HONOURABLE MR.JUSTICE Krishnan Ramasamy

C.S.No.253 of 2010
and
A.No.3793 of 2010

1.M/s.Robotel Inc.,
3185, Rue Delaunay
Laval, Quebec), Canada, H7L 5A4
represented by its Power of Attorney Agent,
M/s.Edutech India Private Ltd.,
through G.Kannan, Financial Controller
Crystal Lawn, No.20, 1st Street,
Haddows Road, Chennai – 600 006.

2.M/s.Edutech India Private Ltd.,
Represented by its Financial Controller,
G.Kannan,
Crystal Lawn,
No.20, 1st Street,
Haddows Road, Chennai – 600 006.

... Plaintiffs

Vs.

M/s.Educomp Solutions Ltd.,
Represented by its Managing Director,
Shantanu Prakash,
1211, Padma Towers-I,
5, Rajendra Place,
New Delhi – 110 008.

... Defendant

Plaint filed under Order VII Rule 61 C.P.C. read with Order IV
Rule 1 of the High Court Original Side Rules praying for:

(a) for a permanent injunction restraining the
defendant, its Directors, men, agents, employees,

officers, franchisees, or anyone claiming through them from in any manner infringing the 1st plaintiff's registered mark "Smartclass" by selling, offering and advertising for sale any product using the trademark "SmartClass" upon the goods or in any media, and use the same in invoices, letter heads, visiting cards or any other trade literature or by using any other trademark which is in any way visually, phonetically or deceptively similarly to that of the 1st plaintiff's registered trade mark "SmartClass" or in any manner infringing the 1st plaintiff's registered trademark "SmartClass";

(b) for a permanent injunction restraining the defendant, its directors, men, agent, employees, employees, officers, franchisees, or anyone claiming through them from in any manner manufacturing, creating, marketing, distributing, offering or advertising for sale of software being educational tool related to classroom management using the trademark "SmartClass" or similar sounding names in the course of their business and pass off their goods/services using the trademark "SmartClass" or with additions as and for the goods/services of the plaintiffs or enable others to pass off.

(c) to direct the defendant to pay to the plaintiffs a sum of Rs.15,00,000/- (Rupees Fifteen Lakhs only) by way of damages for the illegal use of the plaintiff's trademark "SmartClass" together with interest at the rate of 18% p.a., from the date of plaint till the date of realization;

(d) to direct the defendant to deliver up to the plaintiffs for destruction of all boards, name plates, signage, labels, strips, cartons, advertising materials, letter heads, stationery, dies, literature and all things bearing the mark "SmartClass"

(e) for costs of the suit and

(f) for such further or other reliefs as this Hon'ble Court may deem fit in the circumstances of the case and thus render justice.

For Plaintiffs : Mr.N.V.Prasanna

For defendant : No Appearance

J U D G M E N T

The learned counsel appearing for the plaintiffs seek permission of this Court to withdraw the suit and in this regard he has also made an endorsement, which reads as follows:-

"The plaintiffs may be permitted to withdraw the suit filed against the defendant."

2. Recording the same, the suit is dismissed as withdrawn. No costs. Consequently, the connected application is closed.

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Krishnan Ramasamy,J.

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