

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.08.2019

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THE HONOURABLE MR.JUSTICE KRISHNAN RAMASAMY

C.S. No.474 of 2011

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1. Capt. Shibu Issac,
No.47, Second Main Road,
Gandhi Nagar, Adyar,
Chennai-600 020.
2. Force 1 Guarding Services Private Limited,
1 B, Suvarna Darshan,
No.47, Second Main Road,
Gandhi Nagar, Adyar,
Chennai- 600 020,
represented by Mr.Bobby Thomas, Manager
Finance
3. Force 1 Security & Consultancy Services (Bangalore)
Private Limited
No.50, Lazer Road, Frazer Town, (Next to KEB Office)
Bengaluru-560005.
represented by Mr.Bobby Thomas,
Manager Finance
- ... Plaintiffs

Vs.

1. Mohamed Riyan
No.796, 6th C-Main,
17th F-2, Cross, 6th Block, Kormangala
Bengaluru-95
2. Force One Security Services,
No.796, 6th C-Main,
17th F-2, Cross, 6th Block, Kormangala

Bengaluru-95

... Defendants

Plaint filed under Order VII Rule 1 of CPC Read with sections 11, 29, 134, 135 of the Trademarks Act 1999 praying for:

(A) Permanent injunction restraining the Defendants, their Directors, employees, officers, servants, agents and all other others acting for and on their behalf from rendering security services falling under clauses 16, 39 & 42 of the trademark Act, 1999, and in any other manner, directly or indirectly dealing in any services that infringes plaintiff's trademark marks **FORCE**

save to secure under registration No. 1238707 in class 42, FORCE 1 under registration No.1480989 in class 39, FORCE 1 SERVE TO SECURE (LABEL) under registration no.1480990 in class 39, FORCE 1 under registration No.1480991 in class 42 and FORCE 1 SERVE TO SECURE (LABEL) under registration No.1480992 in class 42;

(B) To grant permanent injunction restraining the Defendants, their directors, employees, officers, servants, agents and all others acting for and on their behalf from rendering security services falling under classes 16, 39 & 42 of the Trademark Act, 1999, and in other manner, directly or indirectly, dealing in any services that amounts to passing off their business especially in security services related printed material as those of Plaintiff's FORCE ONE, FORCE 1, their label marks especially the trademarks **FORCE**

save to secure under registration no.1043875 in class 16 and **FORCE**

save to secure under registration no.1238707 in class 42, FORCE 1 under registration no.1480989 in class 39, FORCE 1 SERVE TO SECURE (LABEL) under registration no.1480990 in class 39, FORCE 1 under registration No.1480991 in class 42 and FORCE 1 SERVE TO SECURE (LABEL) under registration No.1480992 in class 42;

(C) To grant damages for a sum of Rs.25,00,000/- (Twenty Five Lakhs Rupees) in favor of the Plaintiffs and against the Defendant;

(D) To grant order of delivery up of any brochures/printed material and/ or any material when contributes ultimately to the infringement of plaintiffs trademark;

(E) To direct the defendant for rendition of accounts;

(F) Costs and such other relief as this Court may deem fit.

For Plaintiff : Mr.K.Premchander

J U D G M E N T

When the matter is taken up for hearing, the learned counsel appearing for the Plaintiff had sought permission of this Court to withdraw the suit with liberty to file fresh suit if new cause of action arise. He has also made the following endorsement:

"The Plaintiff hereby withdraw the suit with liberty to file fresh suit if new cause of action arise."

KRISHNAN RAMASAMY, J

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2. Based on the submission made by the learned counsel for the Plaintiff and also in view of the endorsement made, this suit is dismissed as withdrawn with liberty. No costs.

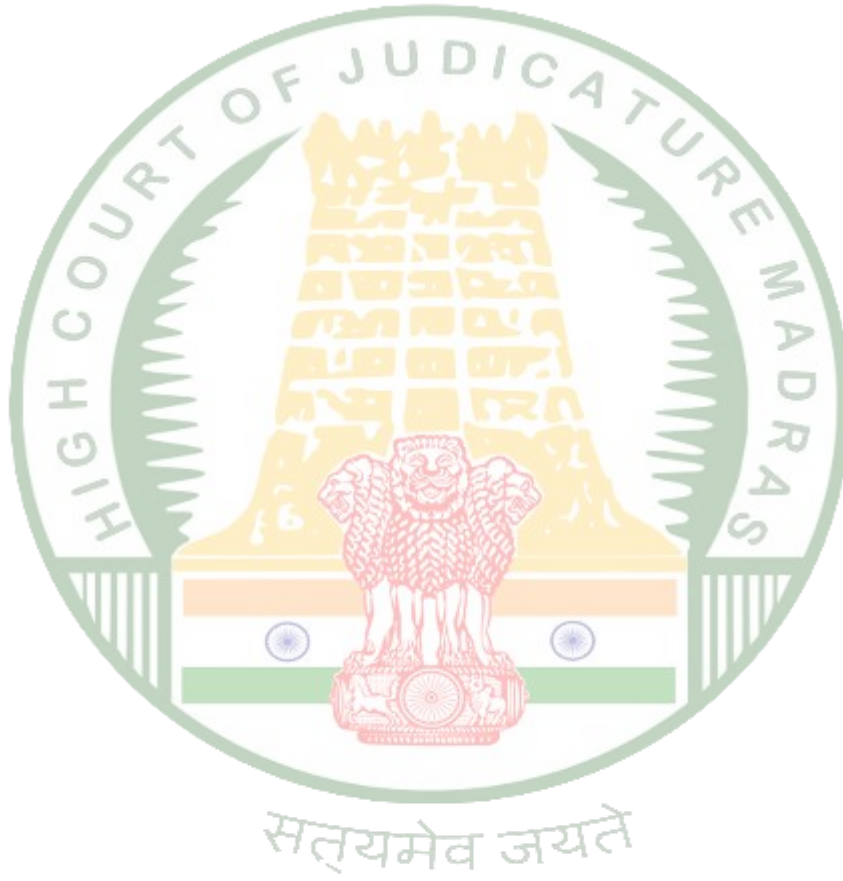
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