

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.07.2019

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THE HONOURABLE MR.JUSTICE KRISHNAN RAMASAMY

C.S.No.123 of 2015

Hatsun Agro Product Ltd.,
Having registered office at,
N.1/20-A, Rajiv Gandhi Salai (OMR),
Karapakkam, Chennai-600 097
And also carrying on its business at,
Old No.AD-83/New No.AD13,
Anna Nagar, Opp. IOB Towers Branch,
Chennai-600040. ... Plaintiff

Hatsun Technologies Private Limited,
Prabhavatech Park, 4th floor,
Baner, Pune-411 045,
Maharashtra ... Defendant

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PRAYER: Complaint under Order VII Rule 1 of C.P.C., praying for a Judgment and Decree against the defendant (a) For Permanent injunction restraining the Defendant by itself, its agents, servants or any one claiming through it from in any manner infringing the

Plaintiff's Trade Mark HATSUN as described in the Schedule hereunder by using the offending trademark HATSUN as part of its trade name, trading style, corporate name, business name, used in respect of their goods or services or in any manner whatsoever; (b) For permanent injunction restraining the Defendant by itself, its servants or agents or anyone claiming through it from in any manner passing off its business, services or products under the trade mark HATSUN as part of its trade name, trading style, corporate name, business name, domain name or in any manner whatsoever, which is similar, deceptively similar or identical to that of the Plaintiff's trademark HATSUN either by manufacturing or selling or offering for sale or in any manner advertising the same; (c) For permanent injunction restraining the defendant by itself, its men, servants or agents or any one claiming through it from in any manner using the plaintiff's registered trademark HATSUN as described in the Schedule hereunder as part of its domain name www.hatsuntechnologies.com or any other domain name similar thereto and/or use the said mark in any manner in respect of any e mailers, web pages, bloggers or other such online communication medium, in any manner whatsoever; (d) Directing the Defendant to surrender to the Plaintiff the entire products with the offending labels, stocks with offending labels together with the blocks and dies, name boards, sign boards etc for destruction; (e) Directing the Defendant to render true and faithful accounts of the products earned by them through the sale of the offending products bearing the offending trademark label and directing payment of such profits

to the Plaintiff. (f) Directing the Defendant to pay to the Plaintiff the cost of the suit; (g) Granting such further or other reliefs as this Court may deem fit.

For Plaintiff : Mr.Asish Jain
for Ms.Surana & Surana
For Defendant : No appearance

J U D G M E N T

Today, when the matter is taken up for hearing, the learned counsel appearing for the Plaintiff has sought permission of this Court to withdraw this suit. He has also made the following endorsement:

"The Plaintiff prays that the suit in C.S.No.123/15 may be permitted to be withdrawn in the light of the Defendant no longer using the infringed mark with leave to initiate a fresh suit as and when appropriate."

2. Based on the submission made by the learned counsel

KRISHNAN RAMASAMY, J

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for the Plaintiff and also in view of the endorsement made, this Civil Suit is dismissed as withdrawn. No costs.

29.07.2019

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