

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 15.11.2019

Coram

The Honourable Mr.Justice N.SATHISH KUMAR

C.S.No.244 of 2015

M/s.Ambika Appalam Company,
No.4, Dr.Nair Road,
T.Nagar,
Chennai-600 017,
rep. by its Partner K.V.Vijayaraghavan

Also at:

Room No.18, Ambika Nivas,
No.253, Pycrofts Road,
Royapettah,
Chennai-600 014

...Plaintiff

Versus

Nandi Food Products,
1419/A, I Cross,
II Stage, D Block,
Rajaji Nagar,
Bengaluru-560 010

...Defendant

This Civil Suit is filed under Order IV Rule 1 of the Original Side Rules r/w Order VII Rule 1 of CPC under Sections 51, 55 & 62 of Copyright Act, 1957, Sections 27, 29, 134 & 135 of the Trade Marks Act, 1999 praying to (a) to grant a perpetual injunction restraining the defendant by himself/themselves or their men, partners, proprietors, stockiest, dealers, servants, agents,

franchisees, successors in interest, licensees, assignees, representatives or any of them claiming through them from in any manner infringing the plaintiff's registered trademark AMBIKA APPLAM or AMBIKA APPLAM DEPOT coupled with device of Goddess by use of trade mark label AMBUJA APPALAM or any other identical or similar trademark having identical or deceptively similar trade dress, color scheme, artistic work, get-up and placement of expression/or in any other manner whatsoever,

(b) to grant a perpetual injunction restraining the defendant by himself/themselves or their men, partners, proprietors, stockiest, dealers, servants, agents, franchisees, successors in interest, licensees, assignees, representatives or any of them claiming through them from in any manner infringing the plaintiff's copyright over the artistic work, identical colour scheme, layout, get up and lettering style, trade dress in the trademark label "AMBIKA APPLALAM" by use of identical or deceptively similar trade dress, color scheme, artistic work, get-up and placement of expression having the label "AMBUJA APPLAM" or deceptively similar label or in any other manner whatsoever,

(c) to grant perpetual injunction restraining the defendant by himself/themselves or their men, partners, proprietors, stockiest, dealers, servants, agents, franchisees, successors in interest, licensees, assignees, representatives or any of them claiming through them from in any manner passing off or enabling passing off of the defendant's goods under the trade mark label AMBUJA

APPALAM or any other deceptively similar trade mark/trade dress as and for the goods of the plaintiff under the registered trade mark "AMBIKA APPALAM" or in any other manner whatsoever.,

(d)The defendant be ordered to surrender to the plaintiff for destruction of all name boards, packing materials, printer bills, cartons, sachets, labels and other materials bearing the trademark "AMBUJA APPALAM" alongwith artwork which is identical with and /or deceptively similar to that of the plaintiff's registered trade mark label "AMBIKA APPALAM",

(e)the defendant be ordered to prepare and submit an account of profits made by them by the unlawful use of the trade mark label of the plaintiff and thereafter, to pass a final decree upon ascertaining the accounts, in favour of the plaintiff,

(f)to direct the defendants to pay the plaintiff for costs of the suit.

For Plaintiff : Mr.K.Rajasekaran

For Defendant : Mr.Rajesh Ramanathan

J U D G M E N T

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The learned counsel appearing for the plaintiff seeks permission of this Court to withdraw this Civil Suit and also made an endorsement in the Suit to that effect.

2. In the light of the submission and endorsement made by the learned counsel appearing for the Plaintiff, the Civil Suit is dismissed as withdrawn. No costs.

15.11.2019

Index : Yes/No

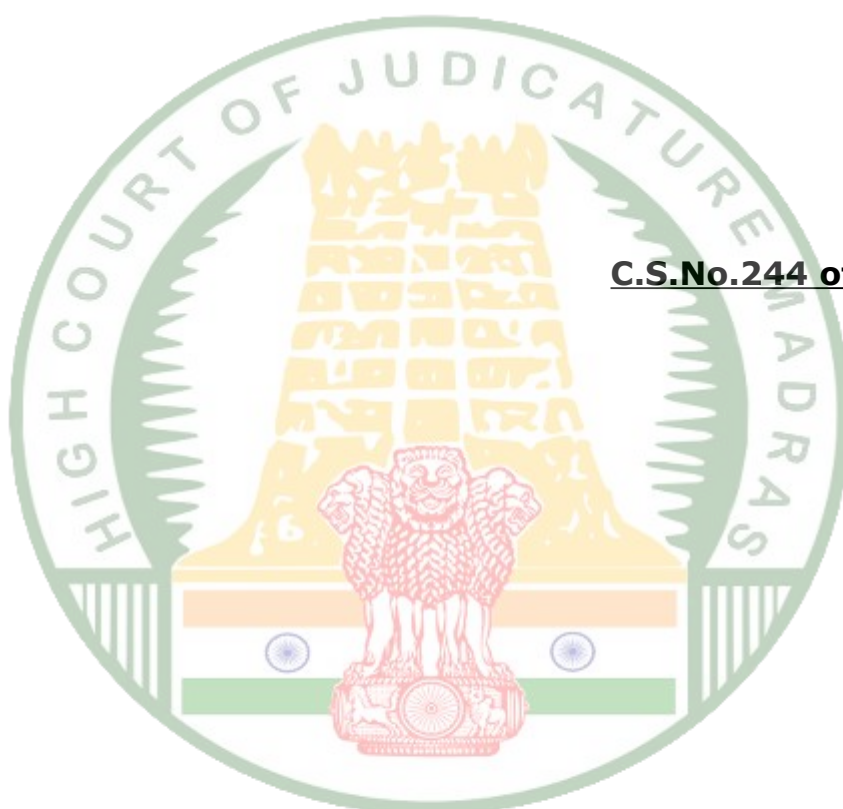
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