

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.07.2019

CORAM

THE HONOURABLE MR.JUSTICE Krishnan Ramasamy

C.S.No.871 of 2013
and
O.A.Nos.994 to 996 of 2013

Mehta Family Trust,
Trading as M/s.Mehta Jewellery,
Represented through its Trustees,
Mr.Naresh M. Mehta and Abhay S.Mehta,
43 C P Ramaswamy Road,
Abhiramapuram, Chennai – 600 018. ... Plaintiff

Vs.

Mehta Jewellery,
Old No.16, Pulianthope High Road,
Chennai – 600 012. ... 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) to grant permanent injunction restraining the defendants, their directors, employees, officers, servants, agents and all others acting for and on their behalf from manufacturing jewellery; engaging in the business and sale, design of jewellery and in any other manner, directly or indirectly, dealing in any goods or services that amounts to infringement of plaintiff's registered trademarks "Mehta Jewellery" under Registration No.1242326 in class 42; Mehta under Registration No.722975 in Class 14; Mehta under

Registration No.838354 in Class 14

(b) to grant permanent injunction restraining the defendants, their directors, employees, officers, servants, agents and all others acting for and on their behalf from manufacturing jewellery; rendering jewellery business and sale, design of jewellery and in any other manner, directly or indirectly, under the plaintiff's trademarks Mehta Jewellery and Mehta or any other mark deceptively similar thereto in any medium including electronic and business listing websites that amounts to passing off the defendant's goods or business or services as those of plaintiff.

(c) to grant permanent injunction restraining the defendants, their directors, employees, officers, servants, agents and all others acting for and on their behalf from using the plaintiff's work of art Mehta registered under certificate bearing No.A-55960/99, in any manner in relation to defendants goods or services or business that amounts to infringement of copyright in plaintiff's work of art Mehta.

(d) to grant damages for a sum of Rs.10,00,000/- in favour of the plaintiff's and against the defendant and such other damages as may be quantified by appropriate evaluation of the defendants books of account during the course of present proceedings;

(e) to grant order of delivery up of any brochures/printed material and/or any material which contributes ultimately to the infringement of plaintiff's trademark;

(f) to direct the defendant for rendition of accounts;

(g) costs and such other relief as this Hon'ble Court may deem fit, in the circumstances of the case, in the interests of justice and equity.

For Plaintiff : Mr.M.S.Bharath

For defendant : No Appearance

J U D G M E N T

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

"The plaintiff hereby withdraws the suit as the defendants have changed the infringing mark from "Mehta Jewellery" to "Mehta's M.M.Jewellery" as detailed in the affidavit dated 12.07.2019 filed herewith today."

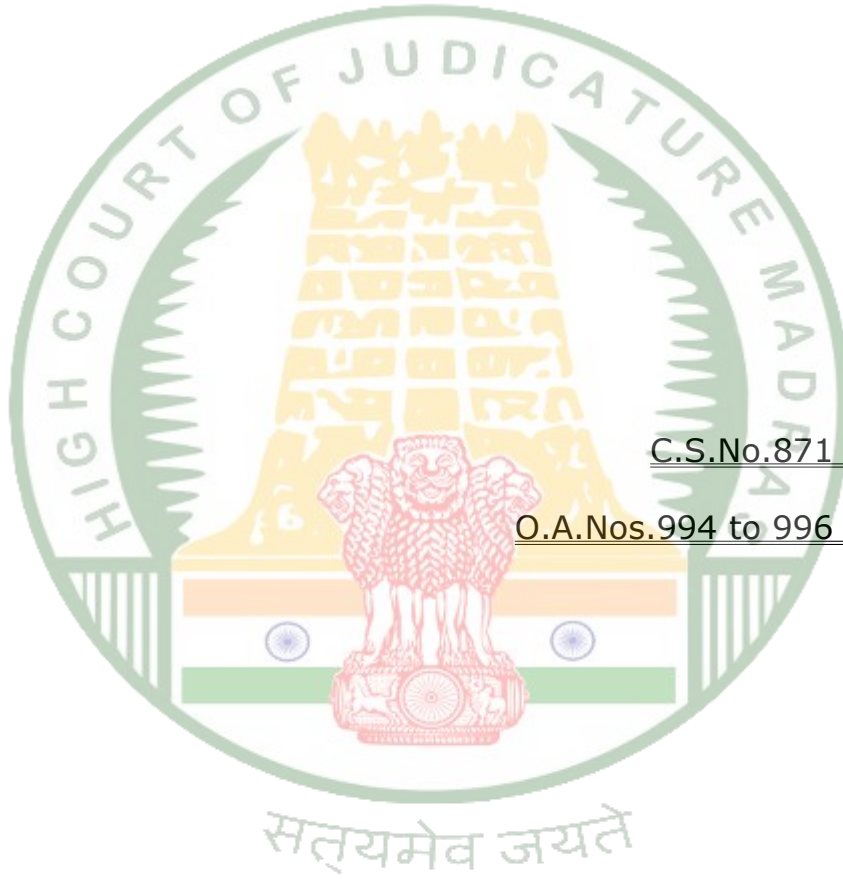
2. Recording the same, the suit is dismissed as withdrawn. No costs. Consequently, the connected original applications are closed.

17.07.2019

AT

Krishnan Ramasamy,J.

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