

IN THE HIGH COURT OF JUDICATURE AT MADRAS

**DATED : 13.09.2019**

**CORAM :**

**THE HONOURABLE MR. JUSTICE N. SATHISH KUMAR, J.**

**C.S. No. 484 of 2019**

**and**

**O.A. No. 762 of 2019**

Ahara Speciality Foods LLP,  
No. 22, 3rd Street, East Abhiramapuram,  
Mylapore, Chennai 600 004.  
Represented by its Partner Ms. Meghana Karthik ... Plaintiff

**..Vs..**

Theobroma Foods Private Limited,  
Having its Registered Office at  
No. 1504, Maker Chamber V,  
Nariman Point, Mumbai 400 021.  
Represented by its Director. ...Defendant

**Prayer:**     Plaint filed under Order VII Rule 1 CPC read with Order IV Rule 1 O.S. Rules read with Sections 142 of Trade Marks Act, 1999 and Section 7 of the Commercial Courts, Commercial Division and Commercial Appellate Division of High Courts Act, No. 4 of 2016, praying to pass a judgment and decree

(a) A declaration that the threat issued by the defendant through its counsel vide legal notice dated 01.08.2019 is unjustified and groundless.

(b) A perpetual injunction restraining the defendant by itself, its servants, agents, distributors, importers, stockists, clearing and forwarding agents, successors, assigns or any and/or all of them from in any manner threatening the plaintiff herein, directly or indirectly, in any manner by

notices, advertisements, circulars, etc., regarding use of the name Theobroma and thereby interfere and/or harm the business of the plaintiff in any manner whatsoever.

(c) Direction to the defendant to compensate the plaintiff a sum of Rs. 10,00,000/-, or such other amount as this Hon'ble Court may determine after the records are produced for the damages sustained on account of the unjustified and groundless threats made by the defendant.

(d) An order as to costs of the proceedings.

For Plaintiff : Mr. P. Giridharan

For Defendant : M/s. Gladys Daniel

### **ORDER**

Learned counsel for the Plaintiff wants to withdraw this Suit and he has also made an endorsement to that effect in the plaint / Court bundle.

2. Recording the said submission and the endorsement made in the Court bundle, this Civil Suit is dismissed as withdrawn. Registry is directed to refund the half of the Court fee to the plaintiff as per law. Consequently, the connected Application is also closed. No costs.

13.09.2019

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Index: Yes / No

Internet : Yes / No

Speaking order / Non-speaking order

To

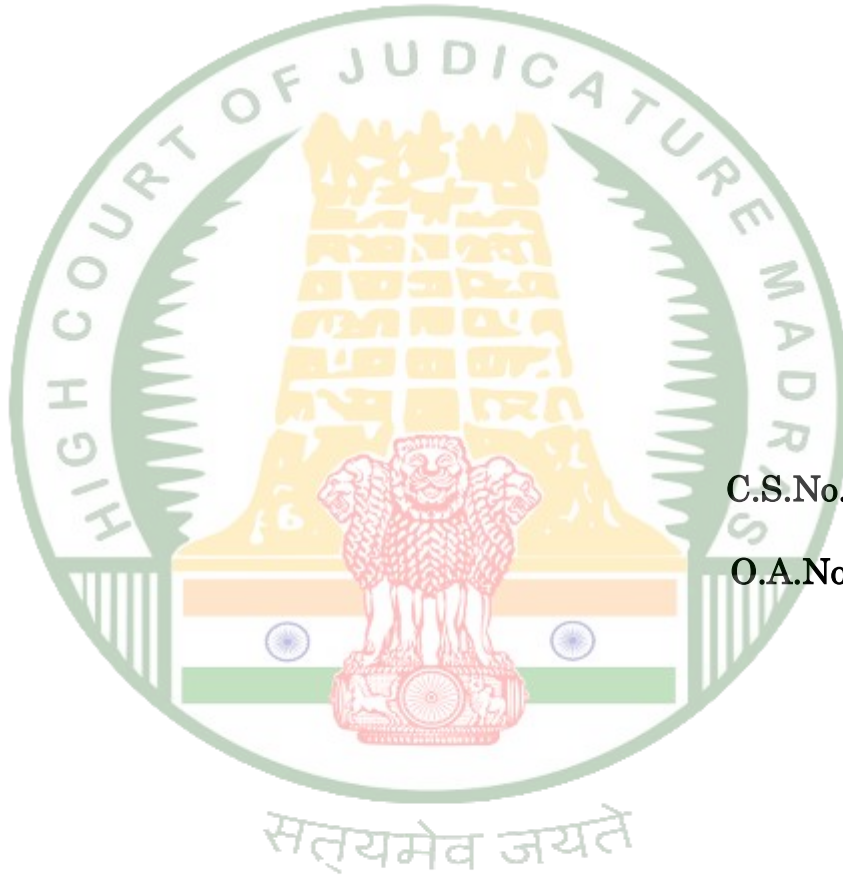
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**N. SATHISH KUMAR, J.**

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