

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.09.2019

CORAM

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

C.S.No.773 of 2018
and
A.Nos.1768 & 6204 of 2019
8933 & 8934 of 2018
and O.A.No.1071 of 2018

Nalina Kannan

... Plaintiff

Vs.

1.Mr.Pattappa Balaji

2.Facebook Inc.,
1 Hacker Way,
Menlo Park,
California - 94025,
United States of America.

... Defendants

Plaint filed under Order IV Rule 1 of the High Court Original Side Rules read with Order VII Rule 1 C.P.C. Read with Sections 142 & 134 of the Trade Marks Act, 1999 praying for:

(a) A declaration that the report made by the defendant against the plaintiff's "Thaligai Restaurant" page on www.facebook.com and the consequent blocking of the page on 02.08.2018 is illegal, unjustified and groundless;

(b) A perpetual injunction restraining the defendant by himself, or his agents, distributors, successors, assigns and/all of them from in any manner threatening the plaintiff herein, directly or indirectly, in any manner by notice advertisements,

circulars etc., regarding the use of the trade marks “Thaligai” and thereby interfere and/or harm the business of the plaintiff in any manner whatsoever;

(c) A perpetual injunction restraining the defendant by himself, or his agents, distributors, successors, assign and/all of them from infringing the plaintiff's trademark “Thaligai” registered in class 43 with Trade Mark registration number 3275175, directly or indirectly and thereby violating the plaintiff's rights in any manner whatsoever;

(d) A direction that the defendant pay a sum of Rs.1,00,000/- (Rupees One Lakh only) as damages for the losses sustained by the plaintiff on account of the unjustified and groundless threats made by the defendant;

(e) A direction that defendant bear the costs of this suit;

For Plaintiff : Mr.M.V.Swaroop

For Defendants : Mr.K.Rajasekaran
for D1
Mr.Allwin Godwin
for D2

JUDGMENT

The learned counsel appearing for the plaintiff seeks leave of this Court to withdraw the suit and he has also made an endorsement to that effect.

2. In view of the above submission made by the learned counsel for the plaintiff, the Civil Suit is dismissed as withdrawn. The application filed by the first defendant to condone the delay in filing the written statement, is returned, with liberty to the defendants to file proper suit against the person, who had infringed their rights No costs. Consequently, connected applications are closed. The Registry is directed to refund necessary Court fee as per the relevant Rules.

24.09.2019

ms

To

The Sub Assistant Registrar,
Original Side,
High Court, Madras.

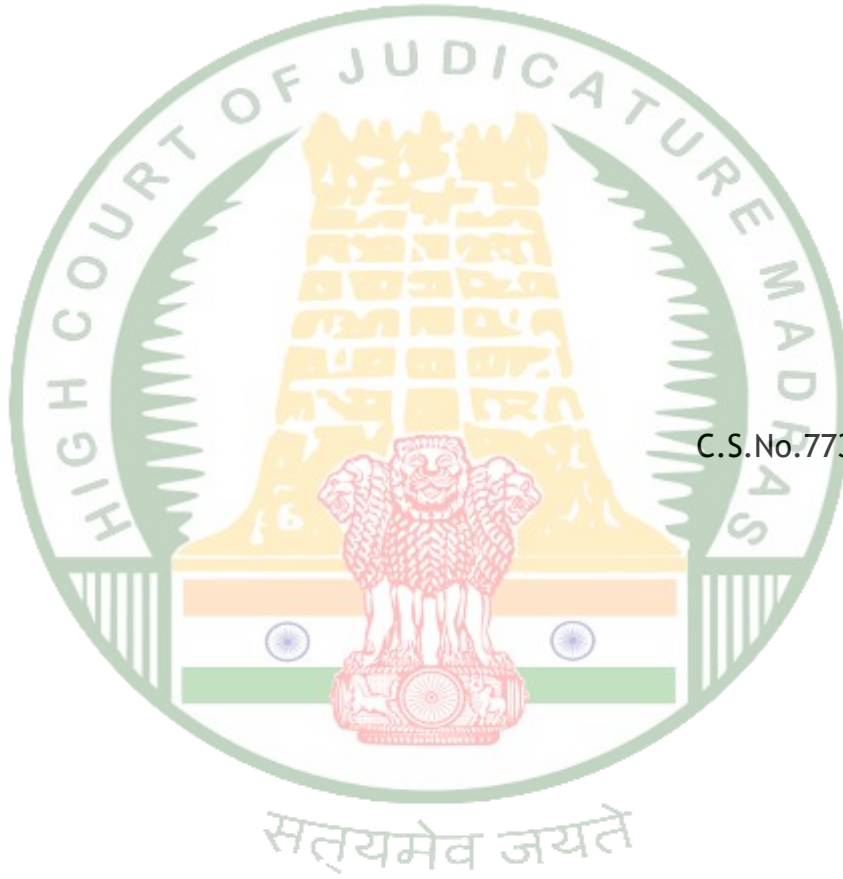


WEB COPY

C.S.No.773 of 2018

N.SATHISH KUMAR, J.

ms



C.S.No.773 of 2018

WEB COPY

24.09.2019