

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 13.08.2020

CORAM:

THE HONOURABLE MR. JUSTICE C.V.KARTHIKEYAN

C.S.No.28 of 2019

Hatsun Agro Product Ltd.,
Having registered office at,
No.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,
opposite IOB Towers Branch, Chennai-600040
represented by its Authorised Signatory .. Plaintiff

/versus/

British Biologicals: The Protein People
No.30, 10th Main, Ashoka Pillar Road,
Jayanagar, H Block
Bangalore – 560 011 .. Defendant

This Civil Suit is filed under Order VII Rule 1 C.P.C, read with
Sections 134 and 135 of the Trade Marks Act, 1999 and Section 7 of the
Commercial Courts Act, 2015, prayed for

(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 Marks “AROKYA” by using the
trademark “AAROGYA” or any other mark or marks which are in any

way identical or deceptively similar or colourable imitation of the plaintiff's registered trademarks as described in the Schedule to the plaint.

(b) For Permanent Injunction restraining the defendant by itself, its servants or agents or any one claiming through it from in any manner passing off its products as that of the plaintiff by using the offending trademark "AAROGYA" which are similar, deceptively similar and identical to the plaintiff's trademark "AROKYA" or by using any other trademark which is similar, deceptively similar or identical to that of the plaintiff's trademark "AROKYA" by manufacturing or selling or offering for sale or in any manner advertising the same.

(c) 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.

(d) Directing the defendant to render true and faithful accounts of the profits earned by them through the sale of the offending milk products bearing the offending trademark label and directing payment of such profits to the plaintiff.

(e) Directing the defendant to pay to the plaintiff the cost of the suit.

For plaintiff : Mr.G.Kalyan Jhabakh

For Defendant : Mr.Rajesh Ramanathan

JUDGMENT

A memo had been forwarded by the learned counsel for the plaintiff which has also been signed by the authorized signatory by the plaintiff in which it had been stated that the Court may dismiss the suit as not pressed.

2. The relevant portion of the memo is extracted below:-

"The plaintiff herein seeks to withdraw the above suit in view of the fact that the defendant, has stated that it is not them who manufactures or sells the infringing goods. Accordingly, the plaintiff has filed appropriate proceedings against the concerned parties in C.S.No.259 of 2019 which is pending before the Hon'ble Court."

2. In view of the said submissions made in the memo, suit is dismissed as withdrawn. No order as to costs.

13.08.2020

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Speaking Order / Non-Speaking Order
Internet : yes/no

C.V.KARTHIKEYAN,J.

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C.S.No.28 of 2019

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