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1

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(ORDINARY ORIGINAL CIVIL JURISDICTION)

WEDNESDAY, THE 29TH DAY OF SEPTEMBER 2021

THE HON'BLE MR. JUSTICE R.SUBRAMANIAN

C.S.No.799 of 1999

1. K. Vasudeva Rao,
2. K.V. Geetha Rao,
Trading as “Woodys”
177-178, Commercial Street,
Bangalore – 560 001.

... Plaintiffs

-Vs-

The Woods Manor,
A Unit of Woody's Hotels (P) Ltd.,
Woodlands Junction
M.G.Road, Ernakulam,
Cochin – 682 011.

... Defendant

Civil suit praying that this Hon'ble Court be pleased to pass a judgment and decree

a) granting permanent injunction restraining the defendants by themselves, their servants or agents or anyone claiming through them from in any manner infringing the Plaintiff's registered trade mark letter “W” with the word WOODY'S and the trading style WOODY'S by using the letter “W” as their trade mark, the word WOODY'S as part of their trading style and in their E-mail address, or any other mark or marks which are in any way similar to the Plaintiff's well established trading style WOODY'S and the registered trade mark letter “W” with the word “WOODY'S”;



b) granting permanent injunction restraining the defendants by themselves, their servants or agents or any one claiming through them from in any manner infringing the Plaintiff's copyrighted artistic work "W" with the word "WOODY'S" by using the offending artistic work "W" with the word WOODY'S or any other artistic work which are in any way deceptively similar to the Plaintiff's Copyrighted artistic work letter "W" and the word WOODY'S';

c) granting a permanent injunction restraining the defendants by themselves, their servants or agents or any one claiming through them from in any manner passing off of their business and food stuffs under the offending trade mark and trading style WOODY'S along with the letter "W" as and for the Plaintiff's well established food stuffs sold under the trade mark and the trading style "WOODY'S" and the letter "W", either by manufacturing or selling or offering for sale or using the same in their E-mail address or in any manner advertising the same;

d) directing the defendant to render a true and faithful account of the profits earned by it under the trade mark, trading style and the artistic work letter "W" and the word "WOODY'S" and directing payment of such profits to the Plaintiffs for the passing off committed by the defendants;

e) directing the defendants to pay to the Plaintiff's the costs of the



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This Civil Suit coming on this day before this court for hearing in the presence of Mr.S.Diwakar for M/s. TMT Law Practice, Advocate for the Plaintiffs herein and Mr.Avinash Wadhvani for Mr.V.Raghavachari, Advocate for the defendant herein and upon reading the plaint filed herein and the learned counsel for the plaintiffs having submitted that despite his efforts he is unable to contact the plaintiffs and this court doth recording said statement and **it is ordered as follows:-**

That the suit CS No.799 of 1999 be and is hereby dismissed for non-prosecution,

2. That the connected applications if any, do stand closed.
3. That there shall be no costs in this suit.

WITNESS THE HON'BLE MR. JUSTICE SANJIB BANERJEE,
CHIEF JUSTICE, HIGH COURT AT MADRAS AFORESAID, THIS THE
29TH DAY OF SEPTEMBER 2021.

Sd/-

ASSISTANT REGISTRAR (Comm.Cases)

//Certified to be true copy//

Dated at Madras this the day of 2021.

COURT OFFICER(O.S.)

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ED

27.10.2021

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4

CS.No.799 of 1999

ORDER:

DATED : 29/09/2021

THE HON'BLE MR. JUSTICE
R. SUBRAMANIAN

FOR APPROVAL: 02/11/2021

APPROVED ON : 16/11/2021



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29.09.2021

CORAM:

THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN

C.S.No.799 of 1999

1.K.Vasudeva Rao

2.K.V.Geetha Rao,

Trading as “Woodys”

177-178, Commercial Street,

Bangalore – 560 001.

...Plaintiffs

Vs.

The Woods Manor,

A Unit of Woody's Hotels (P) Ltd.,

Woodlands Junction, M.G.Road,

Ernakulam, Cochin – 682 011.

...Defendant

Prayer: Complaint filed under Order IV Rule 1 of the Original Side rules and under Order VII Rule 1 of C.P.C., and Section 105 & 106 of the Trade & Merchandise Marks Act, 1958 and under Sections 55, 56, 60 & 62 of the Copyright Act, praying as follows:-

a) granting permanent injunction restraining the defendants by themselves, their servants or agents or anyone claiming through them from in any manner infringing the Plaintiff's registered trade mark letter “W” with the word WOODY'S and the trading style WOODY'S by using the letter “W” as their trade mark, the word WOODY'S as part of their trading style and in their E-mail address, or any other mark or marks which are in any way similar to the Plaintiff's well established trading style WOODY'S and the registered trade mark letter “W” with the word “WOODY'S”;

b) granting permanent injunction restraining the defendants by



themselves, their servants or agents or any one claiming through them in any manner infringing the Plaintiff's copyrighted artistic work “W” with the word “WOODY'S” by using the offending artistic work “W” with the word WOODY'S or any other artistic work which are in any way deceptively similar to the Plaintiff's Copyrighted artistic work letter “W” and the word WOODY'S’;

c) granting a permanent injunction restraining the defendants by themselves, their servants or agents or any one claiming through them from in any manner passing off of their business and food stuffs under the offending trade mark and trading style WOODY'S along with the letter “W” as and for the Plaintiff's well established food stuffs sold under the trade mark and the trading style “WOODY'S” and the letter “W”, either by manufacturing or selling or offering for sale or using the same in their E-mail address or in any manner advertising the same;

d) directing the defendant to render a true and faithful account of the profits earned by it under the trade mark, trading style and the artistic work letter “W” and the word “WOODY'S” and directing payment of such profits to the Plaintiffs for the passing off committed by the defendants;

e) directing the defendants to pay to the Plaintiff's the costs of the suit.

For Plaintiffs : Mr.S.Diwakar for
M/s.TMT Law Practice

For Defendant : Mr.Avinash Wadhvani for
Mr.V.Raghavachari



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J U D G M E N T

Mr.S.Diwakar, learned counsel appearing for the plaintiffs would submit that despite his efforts, he is unable to contact the plaintiffs.

2.Recording the said statement, this suit is dismissed for non-prosecution. No costs. Consequently, connected applications, if any, are closed.

List of witness and documents filed on the side of the plaintiffs:

Nil

List of witness and documents filed on the side of the defendant:

Nil

Sd./- R.S.M.J.
29.09.2021

//Certified to be true copy//

Dated at Madras this the day of 2021.

COURT OFFICER(O.S.)

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