



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(ORDINARY ORIGINAL CIVIL JURISDICTION)

TUESDAY, THE 27TH DAY OF JULY 2021

THE HON'BLE MR. JUSTICE R.SUBRAMANIAN

C.S. No.151 of 2000

Amrutanjan Limited,
42-45, Luz Church Road,
Mylapore,
Chennai-600 004.

... Plaintiff

-Versus-

Subaa Laboratories,
Kancheepuram- 631 501.

... Defendants

C.S.No. 151 of 2000

Civil Suit praying that this Hon'ble Court be pleased to grant a judgment and decree:

A) Granting a permanent injunction, restraining the Defendants by themselves, their servants, agents, or anyone claiming through them from manufacturing, selling and offering for sale the pain balm, using the offending carton used for selling "ANJANA" pain balm filed as Doc.No. 4 (photostate copy of the "Anjana" pain balm carton) in any colour or any other trade-mark, which is in any way deceptively similar either phonetically, or visually of the Plaintiffs' registered trade-mark as found in



Trade Mark Nos. 8906 and 455342 in Class-5

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B) Granting a permanent injunction, restraining the Defendants by themselves, their servants, agents, their printers and distributors by an order of this Hon'ble court from committing infringement of the copyright the Plaintiffs have in their artistic in Doc.No. 6 (Copyright Certificate) filed along with the plaint by distributing, printing on causing to be printed, the impugned carton of the Defendants filed in the plaint as Doc.No.4 or any other work, which is a colourable imitation of the plaintiff's artistic work contained in Document No. 3 (Plaintiffs' carton) filed along with the Plaint;

C) Directing the defendants to render a true and faithful accounts of the profits earned by them through the manufacture and sale of the impugned trade-mark "Anjan" pain balm and directing such profits to be paid to the Plaintiffs for the infringement committed by them;

D) Directing the defendants to surrender to the Plaintiffs all the cartons, labels and any other printed matters containing or consisting of the impugned trade-mark together with the Blocks used for the purpose of printing the same for destruction; and

E) Directing the Defendants to pay to the Plaintiffs the cost of this suit.

This suit coming on this day before this court for hearing in the



herein and upon reading the plaint and the memo dated 20/07/2021 filed

herein and the learned counsel for the plaintiff having submitted that she

got instructions to withdraw the suit and a memo has also been filed to

that effect, and this court doth recording the same, **it is ordered as**

follow:-

1) That the suit in C.S.No. 151 of 2000, be and is hereby
dismissed as withdrawn

2) That there shall be no costs of this suit.

WITNESS, THE HON'BLE MR.JUSTICE SANJIB BANERJEE,
CHIEF JUSTICE, HIGH COURT AT MADRAS AFORESAID, THIS THE
27TH DAY OF JULY 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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24.08.2021

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C.S.No. 151 of 2000

DECREE

DATED 27/07/2021

THE HON'BLE MR.JUSTICE

R.SUBRAMANIAN

FOR APPROVAL: 08/09/2021

APPROVED ON:09/09/2021



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.07.2021

CORAM:

THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN

C.S.No.151 of 2000

Amrutanjan Limited,
42-45, Luz Church Road,
Mylapore,
Chennai – 600 004.

...Plaintiff

Vs.

Subaa Laboratories,
Kancheepuram – 631 501.

...Defendant

Prayer: Complaint filed under Order VII, Rule 1 of C.P.C., r/w. Order IV Rule 1 of the Original Side Rules and Sections 105 & 106 of the Trade & Merchandise Marks Act, 1958 and Section 62 of the Copyright Act, 1957, praying as follows:-

a) granting a permanent injunction, restraining the defendants by themselves, their servants, agents, or anyone claiming through them from manufacturing, selling and offering for sale the pain balm, using the offending carton used for selling “ANJANA” pain balm filed as Doc.No.4 (photostate copy of the “Anjana”pain balm carton) in any colour or any other trade-mark, which is in any way deceptively similar either phonetically, or visually of the plaintiffs' registered trade-mark as found in Trade Mark Nos.8906 and 455342 in Class-5;

b) granting a permanent injunction restraining the defendants by themselves, their servants, agents, their printers and distributors by an order of this Hon'ble Court from committing infringement of the Copyright the plaintiffs have in their artistic in Doc.No.6 (Copyright Certificate) filed



along with the plaint by distributing, printing on causing to be printed, the impugned carton of the defendants filed in the plaint as Doc.No.4 or any other work, which is a colourable imitation of the plaintiff's artistic work contained in Document No.3 (Plaintiffs' carton) filed along with the plaint;

c) directing the defendants to render a true and faithful accounts of the profits earned by them through the manufacture and sale of the impugned trade-mark "ANJANA" pain balm and directing such profits to be paid to the plaintiffs for the infringement committed by them;

d) directing the defendants to surrender to the plaintiffs all the cartons, labels and any other printed matters containing or consisting of the impugned trade-mark together with the blocks used for the purpose of printing the same for destruction;

e) directing the defendants to pay to the plaintiffs the costs of the suit, and

f) pass such further or other orders, as this Hon'ble Court may deem fit and proper in the circumstances of the case and to thus render justice.

For Plaintiff : Ms.Hemalatha for
Mr.C.Daniel

J U D G M E N T

Ms.T.Hemalatha representing Mr.C.Daniel would submit that she has got instructions to withdraw the suit. A memo has also been filed to that effect.



2. Recording the same, this suit is dismissed as withdrawn. No

costs.

Sd/- R.S.M.J.
27/07/2021

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

Nil

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

Nil

Sd/- R.S.M.J.
27/07/2021

//Certified to be true copy//

Dated at Madras this the day of 2021.

COURT OFFICER(O.S.)

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