



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(ORDINARY ORIGINAL CIVIL JURISDICTION)

TUESDAY, THE 24th DAY OF AUGUST 2021

THE HON'BLE MR. JUSTICE R.SUBRAMANIAN

C.S. No. 335 of 2001

In the matter of the registered Trade
Mark No. 474088 in Class - 3 for
detergent cake in the name of Kishore
- Sons Detergent (P) Ltd., 14-6-86,
Chudi Bazar,
Hyderabad - 500 012,
Andhra Pradesh.

Kishore - Sons Detergent (P) Ltd.,
14-6-86, Chudi Bazar,
Hyderabad - 500 012.

...Plaintiff

-Versus-

Sai Balaji Chemical Works,
Kurnool - 518 004

...Defendant

Civil Suit praying that this Hon'ble Court be pleased to pass a
judgment and Decree:-

(a) granting a permanent injunction restraining the defendant by
themselves, their servants, agents or anyone claiming through them from
manufacturing and selling and offering for sale using the offending
trademark as found in Document No.3 (ETA wrapper) in any colour or any
other Trade Mark which is in any way deceptively / phonetically similar to
or a colourable imitation of the trademark found in Plaintiffs registered

Trade Mark No. 474088 filed as Document No. 2 herein or infringing any



of the essential feature of the trademark found in the registered trademark of the Plaintiffs or in any manner infringing the Plaintiffs registered Trade Mark No. 474088 in class 3 for detergent cake.

(b) directing the defendant to render a true and faithful accounts of the profits earned by them through the manufacture and sale of the offending trademark Document No. 3 and directing such profits to be paid to the Plaintiffs by way of damages for the infringement and passing off committed by the Defendant.

(c) directing the defendant to surrender to the Plaintiffs all the cartons, labels and any other printed matters containing or consisting of the trademark Document No. 3 together with blocks used for the purpose of printing the same for destruction.

(d) directing the defendant to pay to the Plaintiffs the costs of the suit.

This Civil Suit coming on this day before this Court for hearing in the presence of Mr.C.Daniel & Gladys Daniel, Advocates for the Plaintiff herein and Mr.M.Arunkumar for M/s.Sampathkumar & Associates,

Advocates for the defendant herein and upon reading the plaint filed herein



and the learned Counsel appearing for the Plaintiff having submitted that she has got instructions not to prosecute the suit further as the defendant has stopped using the infringing Trade mark and this Court doth recording the said statement and it is ordered as follows:-

(i) That the suit in C.S. No.335 of 2001 be and is hereby dismissed as withdrawn.

(ii) That the plaintiff herein shall be at liberty to sue, if there is a cause of action in future.

(iii) 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
24th DAY OF AUGUST 2021.

Sd/-

ASSISTANT REGISTRAR(COMM.CASES)

//Certified to be true copy//

Dated at Madras this the day of 2022.

COURT OFFICER(O.S.)

From 25th Day of September 2008 the Registry is issuing certified copies of the Orders/Judgments/Decrees in this format.



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30.11.2021

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C.S. No.335 of 2001

ORDER

DATED : 24.08.2021

THE HON'BLE MR. JUSTICE
R.SUBRAMANIAN

FOR APPROVAL: 22.12.2021

APPROVED ON : 30.12.2021



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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.08.2021

CORAM:

THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN

C.S.No.335 of 2001

Kishore – Sons Detergent (P) Ltd.,
14-6-86, Chudi Bazar,
Hyderabad – 500 012.

...Plaintiff

Vs.

Sri Balaji Chemical Works,
Kurnool – 518 004.

...Defendant

Prayer: Complaint filed under Order VII, Rule 1 of C.P.C., r/w. Order IV Rule 1 of the High Court original side rules r/w. Sections 105 & 106 of the Trade and Merchandise Marks Act, 1958, praying as follows:-

a) granting a permanent injunction restraining the defendant by themselves, their servants, agents or anyone claiming through them from manufacturing and selling and offering for sale using the offending trademark as found in Document No.3 (ETA wrapper) in any colour or any other Trade Mark which is in any way deceptively / phonetically similar to or a colourable imitation of the trademark found in Plaintiffs registered Trade Mark No.474088 filed as Document No.2 herein or infringing any of



the Plaintiff's or in any manner infringing the plaintiff's registered Trade Mark No.474088 in class 3 for detergent cake.

b) directing the defendant to render a true and faithful accounts of the profits earned by them through the manufacture and sale of the offending trademark Document No.3 and directing such profits to be paid to the Plaintiffs by way of damages for the infringement and passing off committed by the Defendant.

c) directing the defendant to surrender to the Plaintiffs all the cartons, labels and any other printed matters containing of the trademark Document No.3 together with blocks used for the purpose of printing the same for destruction.

d) directing the defendant to pay to the Plaintiff the costs of the suit.

For Plaintiff : Ms.C.Daniel & Gladys Daniel

For Defendant : Mr.M.Arunkumar for M/s.Sampathkumar &

Associates

J U D G M E N T

Mrs.Gladys Daniel, learned counsel appearing for the plaintiff would submit that she has got instructions not to prosecute the suit further as the defendant has stopped using the infringing trademark



2.The said statement is recorded and this suit is dismissed as withdrawn. No costs. Liberty is preserved to sue, if there is a cause of action in future.

Sd/- R.S.M.J.
24.08.2021

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.

24.08.2021

//Certified to be true copy//

Dated at Madras this the day of 2022.

COURT OFFICER(O.S.)

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