

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.08.2021

CORAM:

THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN

C.S.No.338 of 2001

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

...Plaintiff

Vs.

J.J.Chemical Industries,
Kurnool – 518 003.

...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 (ETO 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 of the trademark Document No.3 together with blocks used for the purpose of printing the same for destruction.

d) directing the defendants to pay to the Plaintiffs the costs of the suit.

For Plaintiff : Ms.C.Daniel & Gladys Daniel

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

JUDGMENT

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2.The said statement is recorded and this suit is dismissed as withdrawn.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 caution of action in future.

24.08.2021

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Internet: Yes/No
Index: Yes/No
Speaking/Non-speaking

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

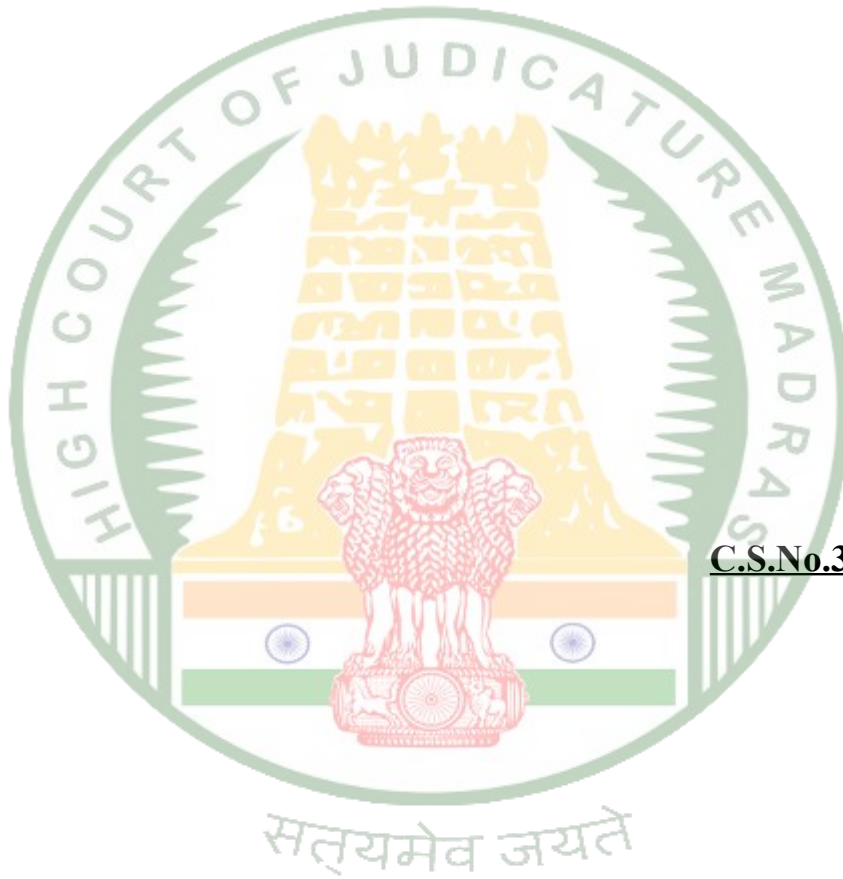
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R.SUBRAMANIAN, J.

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