



C.S.(Comm.Div.) 686 of 2008

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated :18.11.2021

Coram:

THE HONOURABLE Mr.JUSTICE N.ANAND VEKATESH

Civil Suit (Comm.Div.) No.686 of 2008

M/s.Basheer Ahmed & Bros.
B.B.B.Modern Rice Mill
No.255, Main Road
Vikravandi 605 652
Tamilnadu.

.. Plaintiff

/versus/

1.M.Kamaldeen
Proprietor
M/s.Ashika Traders
28/39, Reddi Kuppam Road
Vikravandi 605 652
Villupuram District
Tamilnadu.

2.M/s.Nathan Traders
No.200 K.H.Road
Ayanavaram
Chennai 600 023.

..Defendants

Prayer: Civil Suit has been filed under Order IV, Rule 1 O.S.Rules and Order VII, Rule 1 of the C.P.C. Read with Section 27, 134 & 135 of the Trade Marks Act, 1999, praying to pass a judgment and decree for:-



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(a) granting a permanent injunction restraining the defendants , their men, servants, agents or anyone claiming through or under them from in any manner infringing the plaintiff's registered Trade Mark "B.B.B" brand by using the offending Trade Mark "BBB" brand or any other mark or marks which are similar or in any way deceptively similar to or a colourable imitation of the plaintiff's Trade Mark "B.B.B" either by manufacturing or selling or offering for sale or in any manner advertising the same.

(b) granting permanent injunction restraining the defendants, their men, servants, agents or anyone claiming through or under them from in any manner passing off their products as that of the plaintiff's by using the offending Trade Mark "BBB" brand as and for the products of the plaintiff's with the Trade Mark "B.B.B" or by using any other Trade Mark which is similar or deceptively similar to that of the plaintiff's trade mark "B.B.B".

(c) directing the defendants to render a true and faithful accounts of the profits earned by them through the sale of rice products bearing the offending trade mark "B.B.B" and directing payment of such profits to the plaintiff's by way of damages for infringement passing off committed by the defendants.

(d) directing the defendants to surrender to the plaintiff's the entire stock of unused offending goods with Trade Mark "BBB" brand together the labels, bill books, bags bearing the offending Trade mark for destruction.



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

For Plaintiff : Mr.A.Prasanna Venkat

For Defendants : Mr.S.Rajinikanth
for D 1
Mr.S.V.K.Thambi
for D 2

J U D G M E N T

This suit is dismissed as withdrawn in terms of the endorsement made by the learned counsel for the plaintiff. There shall be no order as to costs. Consequently, the connected applications are closed.

18.11.2021

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Internet: Yes

Index : Yes/No

N.ANAND VENKATESH,J.



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