



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(ORDINARY ORIGINAL CIVIL JURISDICTION)

FRIDAY, THE 26TH DAY OF NOVEMBER 2021

THE HON'BLE MR. JUSTICE N.ANAND VENKATESH

C.S. No.24 of 2010

C.S.No.24 of 2010:-

Malar Network (P) Ltd.,
Represented by its Managing Director
Mr.R.R.Gopaljee,
42A, Mercury Apartments,
Pantheon Road,
Egmore, Chennai – 600 008.

... Plaintiff

Versus

Arun Prasath D.
No.86, III Cross Street,
Pon Nagar, Trichirapalli-620 001.

... Defendant

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

a)Granting PERMANENT INJUNCTION restraining the defendant by himself, his servants or agents, assignees or anyone claiming through him from in any manner infringing the plaintiffs Trade Mark “MALAR TV Mark in respect of the defendant's domain name, website and mark in respect of the defendant's products and services, with any write up or any other representation or words which are in any manner identical to and deceptively similar with the Trade Mark of the plaintiffs.



b) Granting PERMANENT INJUNCTION restraining the defendant by himself, his servants, agents or assigns, or anyone claiming through them from in any manner passing off the defendant's products and services as “malar tv” or “MALAR TV” bearing the offending trade mark with identical and/or deceptively similar colour scheme, get up and write up as and for the trade mark of the plaintiff viz. “malar tv” or MALAR TV”, and the domain name “MALARTV.IN” and “MALARTV.COM” either by misrepresentation to the public and offering for sale or in any manner advertising on the internet or in any other communication media by dissemination of signals by using the defendant's offending mark and domain name / web site “malar.tv” with or without such suffixes or prefixes that may be deceptive in respect of the defendant's products and services;

c) Directing the defendants to surrender to the plaintiff's the entire stock of software, literature and letterheads and communications, pamphlets and all materials with the offending mark “malar.tv” or MALAR.TV for destruction;

d) Directing the defendants to render a true and faithful account of profits earned by it through the business using the offending trade mark “malar.tv” or “MALAR.TV” and directing payment of such profits to the plaintiff's for the infringement and passing off committed by the defendant's;



e)Directing the defendant to pay to the Plaintiff's the cost of the suit;

This Suit coming on this day before this court for hearing in the presence of Mr.Dharanidharan, for Mr.Perumbulavil Radhakrishnan, Advocates for the plaintiff herein and Mr.V.Kannadasan, Advocate for the defendant herein and upon reading the plaint filed herein and the memo dated 24.11.2021 filed herein and the learned counsel representing the counsel on record for the plaintiff seeks permission of this court to withdraw the suit, **it is ordered as follows:-**

That the Suit in C.S.No.24 of 2010, be and is hereby dismissed as withdrawn.

2.That connected applications do stand closed, if any.

3.That there shall be no order as to cost of this suit.

WITNESS THE HON'BLE MR. JUSTICE MUNISHWAR NATH BHANDARI,
ACTING CHIEF JUSTICE, HIGH COURT AT MADRAS AFORESAID, THIS THE
26TH DAY OF NOVEMBER 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.



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08/12/2021

C.S. No.24 of 2010

ORDER

DATED :26/11/2021

THE HON'BLE MR.JUSTICE
N.ANAND VENKATESH

FOR APPROVAL:05/01/2022

APPROVED ON:24/01/2022



IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 26.11.2021

Coram:

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Civil Suit No.24 of 2010
(Comm. Suit)

Malar Network (P) Ltd
Represented by its Managing Director,
Mr.R.R.Gopaljee
42A, Mercury Apartments,
Pantheon Road,
Egmore, Chennai 600 008.

... Plaintiff

/versus/

Arun Prasath D
No.86, IIIrd Cross Street,
Pon Nagar, Trichirapalli- PIN:620 001.

...Defendant

Prayer:

Civil Suit has been filed under Order IV, Rule 1 of the Original Side Rules Read with Sections 134 & 135 of the Trade Marks Act, 1999, praying to pass a judgment and decree for:-

(a) granting permanent injunction, restraining the defendant, by himself, his servants or agents, assignees or anyone claiming through him from in any manner infringing the plaintiff's trade mark "MALAR TV" mark in respect of the defendant's domain name, website and mark in respect of the defendant's products and services,



with any write up or any other representation or words which are in any manner identical to and deceptively similar with the Trade Mark of the plaintiffs.

(b) granting permanent injunction, restraining the defendant, by himself, his servants, agents or assigns or anyone claiming through them from in any manner passing off the defendant's products and services as “malar tv” or “MALAR .TV” bearing the offending trade mark with identical and/or deceptively similar colour scheme, get up and write up as and for the trade mark of the plaintiff viz. “malar tv” or “MALAR.TV” and the domain name “MALARTV.IN” and “MALARTV.COM” either by misrepresentation to the public and offering for sale or in any manner advertising on the internet or in any other communication media by dissemination of signals by using the defendant's offending mark and domain name/web site 'malar.tv' with or without such suffixes or prefixes that may be deceptive in respect of the defendant's products and services;

(c) directing the defendant to surrender to the plaintiffs the entire stock of software, literature and letterheads and communications, pamphlets and all materials with the offending mark 'malar.tv' or MALAR.TV for destruction;

(d) directing the defendant to render a true and faithful account of the profits earned by it through the business using the offending trade mark 'malar.tv' or 'MALAR.TV' and directing payment of such profits to the plaintiffs for the infringement and passing off committed by the defendants;



(e) directing the defendant to pay to the plaintiffs the costs of the suit.

For Plaintiff : Mr.Dharanidharan

for Mr.Perumbulavil Radhakrishnan

For Defendant : Mr.V.Kannadasan

JUDGMENT

Mr.Dharanidharan, learned counsel representing the counsel on record for the plaintiff seeks permission of this Court to withdraw the civil suit and a memo dated 24.11.2021 has been filed to that effect.

2. In view of the above, the Civil Suit is dismissed as withdrawn. Consequently, connected applications are closed, if any. There shall be no order as to costs.

Sd./-N.A.V.J
26.11.2021

//Certified to be true copy//

Dated at Madras this the day of 2022.

COURT OFFICER(O.S.)

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