

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29.04.2021

CORAM:

THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN

C.S.No.448 of 2006

A.R.Safiullah

Sole Proprietor & trading as,

S.A.Safiullah & Co.,

152, Kodambakkam High Road,

Nungambakkam,

Chennai – 600 034.

and also at

9610, Rajagopalapuram Main Road,

Pudukottai – 622 003,

Tamilnadu.

...Plaintiff

Vs.

1.Daniel,

Proprietor trading as M/s.Jayam Traders,

15/10, Arumugam Road,

Sivakasi.

2.M/s.Jayam Industries,

Rep. By its partner Mrs.Indira Daniel,

15/10, Arumugam Road,

Sivakasi.

3.M.A.Rajabudden,

Proprietor, trading as M/s.Shalimar Traders,

35/975/210A, Parambil,

Kollam – 691003.

4.Mariappan,
trading as Sivagami Agencies,
115, North Car Street,
Sivakasi.

...Defendants

Prayer: Complaint filed under Order VII Rule 1 of C.P.C r/w Order IV Rule 1 of the Original Side rules r/w. Sections 48, 104, 108 of the Patents Act, 1970, praying as follows:-

a) a permanent injunction restraining the defendants by themselves, their partners, heirs, their legal representatives, successors-in-business, agents, stockists, distributors, assigns, representatives, or any one claiming under them from in any manner infringing the plaintiff's registered patent under No.198079 in respect of "food grade laminated paper, method and apparatus for manufacturing the laminated paper", by manufacture and sale of products identical to the plaintiff's products and in the method and apparatus by which the plaintiff manufactures the said product;

b) a permanent injunction restraining the defendants by themselves, their partners, heirs, their legal representatives, successors-in-business, agents, stockists, distributors, assigns, representatives, or any one claiming under them from in any manner passing off artificial banana leaves (food grade laminated paper) manufactured and sold by them as and for plaintiff's artificial banana leaves (food grade laminated paper) by using identical/or deceptively similar same colour scheme, getup and layout or in any other manner whatsoever;

c) the defendants be ordered to surrender for destruction to the

plaintiff all materials and implements used for creation of the infringing goods to be forfeited or destroyed as the Court deems fit in the facts and circumstances of the case;

d) the defendants be directed to pay to the plaintiff, a sum of Rs.10,05,000/- as damages;

e) for costs of the suit.

For Plaintiff : Mr.Rahul M.Shankar

For Defendants : Ms.Janani Sankar for

Mr.N.Kishore Kumar for D1 & D2

Mr.K.Chandrasekar for D3

Mr.D.Ferdinand for D4

JUDGMENT

Mr.Rahul M.Shankar, learned counsel appearing for the plaintiff would submit that the dispute between the parties has been resolved and nothing survives in the suit. Hence, he seeks to withdraw the suit.

2.In view of the same, this suit is dismissed as withdrawn. No costs.

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Internet:Yes

Index:No

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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 defendants:

Nil

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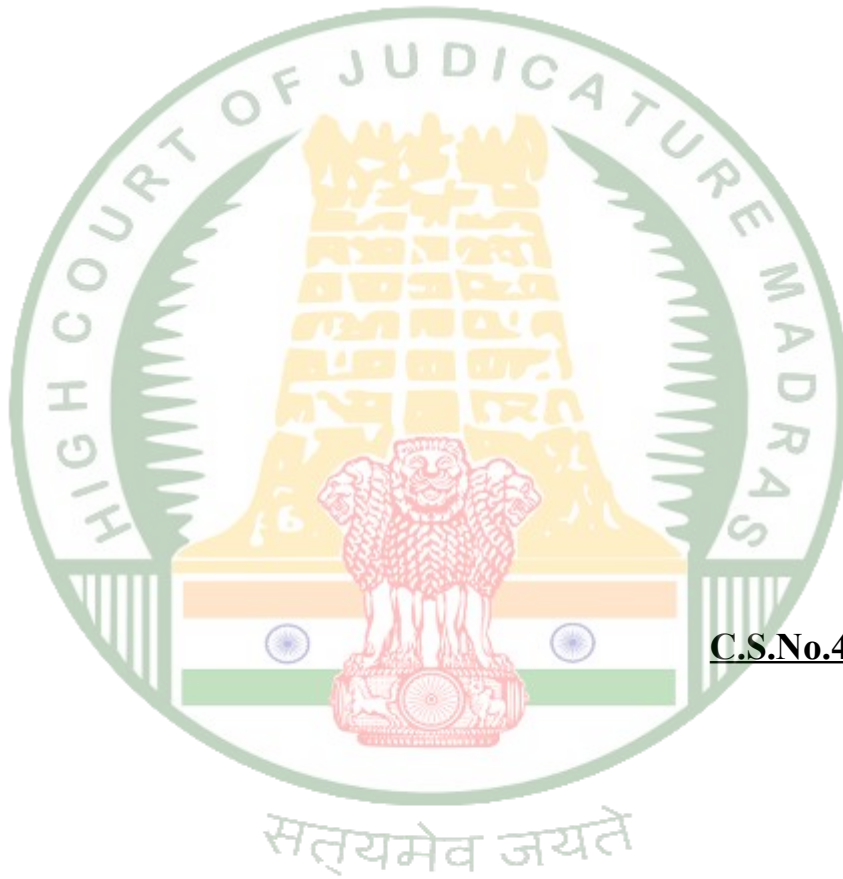
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R.SUBRAMANIAN, J.

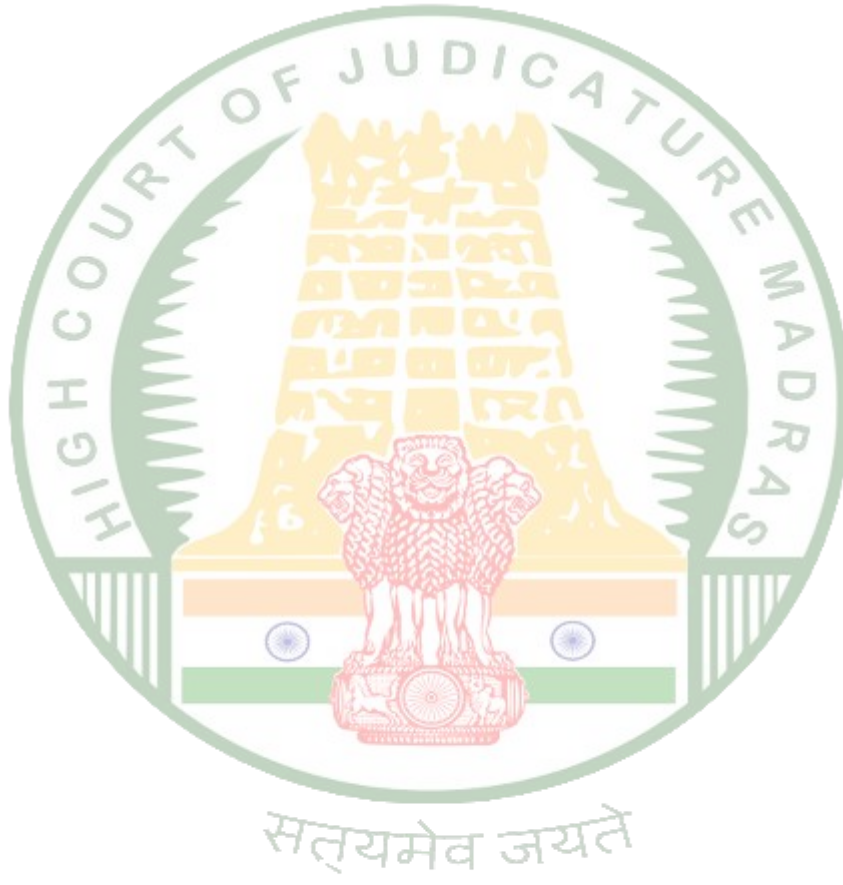
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