



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(ORDINARY ORIGINAL CIVIL JURISDICTION)

TUESDAY, THE 22ND DAY OF JUNE, 2021

THE HON'BLE MR. JUSTICE R. SUBRAMANIAN

C.S. No.790 of 2004

M/s Pioneer Bakeries Private Limited
Represented by its Managing Director
Mr.K.Jayakrishnan, having its
Registered Office at
89, Chettipalayam Cross,
Poondurai Road, Moolapalayam Post,
Erode – 638 002.

...Plaintiff

-Vs-

M/s.New Hope Food Industries Private Limited
Represented by its Managing Director and
Having its Registered Office at Chinna
Sadayampalayam, Moolapalayam Post
Erode – 638 002

... Defendant

Civil Suit praying that this Hon'ble Court be pleased to pass Judgment
and Decree as follows:

(1) A permanent injunction restraining the defendant by themselves,
their Directors, servants, agents, distributors, stockists, agents,
representatives, assigns or any of them or any other person from and in any



Trade Mark “MILKA WONDER CAKE” or any other similar mark to the plaintiff's Registered Mark “MILKA”

(2) A permanent injunction restraining the defendant by themselves, their Directors, servants, agents, distributors, stockists, agents, representatives, assigns or any of them from and in any manner infringing the plaintiff's Copyright in the artistic work “MILKA” by using the Copyright in the artistic work “MILKA” or any other similar mark to the plaintiff's Copyright in the artistic work “MILKA”

(3) A permanent injunction restraining the defendant by themselves, their Directors, servants, agents, distributors, stockists, agents, representatives, assigns or any of them from passing off the defendant's goods as and for the plaintiff's goods by use of Trade Mark and the artistic work titled “MILKA WONDER CAKE” or any mark or artistic work similar to the plaintiff's registered Trade Mark and Copyright in the artistic work “MILKA” or in any other manner whatsoever;

(4) direct the defendant to hand over to the plaintiff for destruction all cartons, labels, packing materials, dies, blocks, pamphlets, brochures, etc., bearing the trade Mark “MILKA WONDER CAKE” or any mark similar to



the plaintiff's registered Trade Mark "MILKA"

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(5) A preliminary decree be passed in favour of the plaintiff directing the defendant to render an account of profits made by use of the Trade Mark "MILKA WONDER CAKE" or any mark similar to the plaintiff's registered Trade Mark "MILKA" and a final decree be passed in favour of the plaintiff for the amounts of profits thus found to have been made by the defendant after the latter has rendered accounts;

(6) The defendant be ordered and decreed to pay the plaintiff a sum of Rs.10,00,000/- as damages for acts of passing off and infringement of copyright committed by the defendant.

(7) For the costs of the suit.

This Civil Suit along with C.S. No. 540 of 2007 coming on this day before this court for hearing in the presence of Mr. Amith Bhargav for Mr. Harishankar Mani, Advocates for the plaintiff herein and Mr. Rahul M. Shankar for Mr. A. A. Mohan, advocates for the defendant herein and upon reading the pleadings filed herein and the learned counsel for the plaintiff in



an agreement and seeking leave to withdraw the suit and, it is ordered as follows:

That the suit in C.S. No. 790 of 2004 be and is hereby dismissed as withdrawn.

2. That there shall be no costs of this suit.

WITNESS THE HON'BLE JUSTICE MR. SANJIB BANERJEE, THE CHIEF JUSTICE, HIGH COURT AT MADRAS AFORESAID, THIS THE 22ND DAY OF JUNE, 2021.

Sd./-

ASSISTANT REGISTRAR (COMM. CASE)

//Certified to be true copy//

Dated at Madras this the day of 2021.

COURT OFFICER(O.S.)

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



VF- 20.07.2021

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C.S. No.790 of 2004

ORDER :-

DATED: 22.06.2021

THE HON'BLE MR. JUSTICE
R. SUBRAMANIAN

FOR APPROVAL: 20/07/2021

APPROVED ON: 22/07/2021