

C.S.No.95 of 2021
and O.A.Nos.152 & 153 of 2021
and A.No.1010 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.10.2021

CORAM

THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN

C.S(Comm.Div.).No.95 of 2021

and

O.A.Nos.152 & 153 of 2021

and A.No.1010 of 2021

Hatsun Agro Product Ltd.,
Having registered office at
No.1/20-A, Rajiv Gandhi Salai (OMR),
Karapakkam, Chennai-600 097

Also carrying on its business at
Old No. AD-83/New No.AD13,
Anna Nagar, Opp:IOB Towers Branch,
Chennai-600 040.
Represented by its Authorized Signatory.
P.Siva Sakthivel.

... Plaintiff

सत्यमेव जयते
Vs.

Mr..Jitendra Manohar Balladkar,
Sole Proprietor of
M/s.Paushtik Foods,
Gate No.451/1/1. Tapakir Nagar,
Opp. Kendriy Vihar, Pune- Nashik Road,
Moshi,
Pune – 412105.

... Defendant

Prayer: The Civil Suit has been filed under Order VII Rule 1 C.P.C., read with order IV Rule 1 of High Court O.S. Rules and Section 134 and 135 of the Trade Marks Act 1999 and Section 7 of the Commercial Courts Act, 2015, praying for:-

(A). For a permanent injunction restraining the Defendant by himself, his heirs, legal representatives, successors-in-business, agents, servants, distributor or any one claiming through him from in any manner infringing the plaintiffs registered trademark AROKYA by using the mark AROGYA or AAROGYA or any other deceptively similar mark in any manner whatsoever causing infringement to the plaintiff's registered trademark as described in the Schedule to the Plaint;

(B). For a permanent injunction restraining the Defendant by himself, his heirs, legal representatives, successors-in-business, agents, servants, distributor or any one claiming through him from in any manner whatsoever from passing off and enabling others to pass off the Defendant's business as that of the plaintiff's by using the mark(s) AROGYA or AAROGYA or any other mark which is deceptively similar and identical to the Plaintiff's trademark AROKYA in any manner whatsoever;

(C). For a permanent injunction restraining the Defendant by himself, his heirs, his representatives, successors-in-business, agents, servants, distributors or any one claiming through him in any manner whatsoever from using or redirecting to the domain name www.aarogyafood.com or any other domain name

which is deceptively similar and identical to the Plaintiff's registered trademark AROKYA;

(D). Directing the Defendant to surrender to the Plaintiff all the products with the offending labels, stocks with offending labels together with the blocks and dies, name boards, sign boards etc. for destruction;

(E). Direct the Defendant to transfer the domain name www.aarogyafood.com or any other domain name deceptively similar and identical to that of the Plaintiff's registered trademark AROKYA;

(F). Directing the Defendant to render true and faithful accounts of the profits earned by them through the sale of the offending dairy products bearing the offending trademark labels and directing payment of such profits to the Plaintiff;

(G). Directing the Defendant to pay to the Plaintiff a sum of Rs.1,00,000/- as damages for committing acts of infringement of trademark and passing off;

(H). Directing the Defendant to pay to the Plaintiff the costs of the suit.

For Plaintiff : Mr.Prashant Alai, for
M/s.Suran & Surana

J U D G M E N T

(Case has been heard through video conference)

A memo filed by the plaintiff stating that the defendant has communicated vide e-mail dated 29.06.2021 that he has discontinued the business operations in the name and style of AROKYA.

2. In view of the said communication, the plaintiff seeks withdrawal of the suit with liberty to initiate fresh proceedings, in case the defendant infringes the plaintiff's trademark AROKYA in future.

3. Recording the memo, the Suit is dismissed as withdrawn with liberty as prayed. Consequently, all connected applications are closed. No order as to costs.

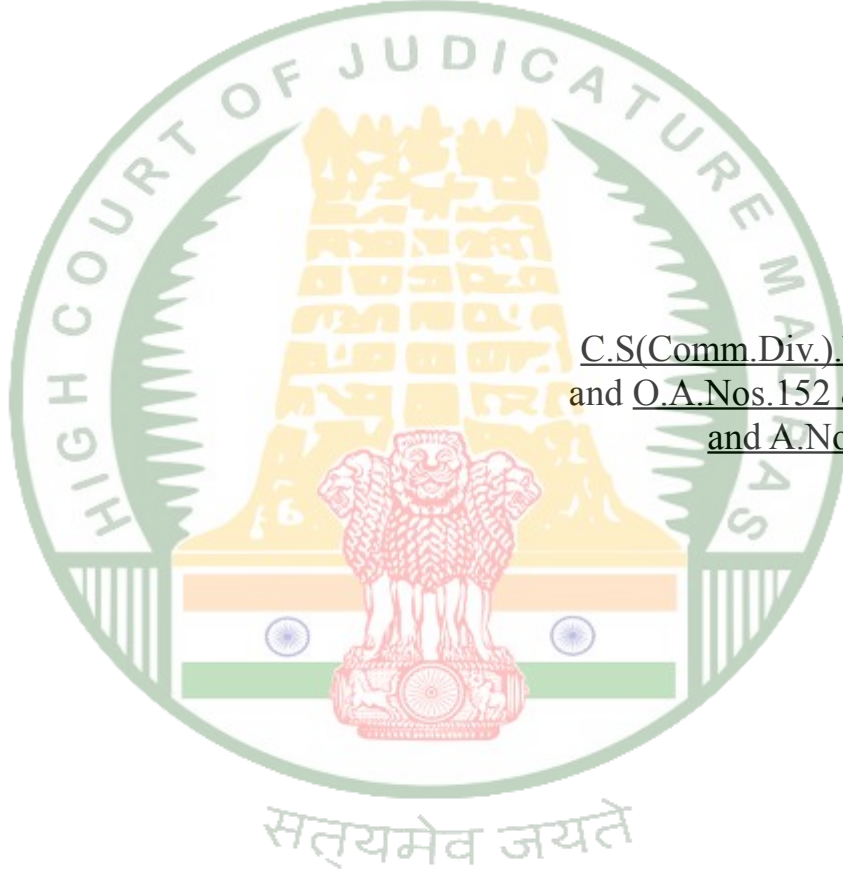
20.10.2021

Index : Yes/No.
Internet : Yes/No.
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DR.G.JAYACHANDRAN, J.
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