



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(ORDINARY ORIGINAL CIVIL JURISDICTION)

WEDNESDAY, THE 25TH DAY OF AUGUST 2021

THE HON'BLE MR. JUSTICE R.SUBRAMANIAN

C.S.No.5 of 2011

MOHAN BREWERIES & DISTILLERIES LTD.,

No.158, Rayala Towers, II Floor,

Anna Salai, Chennai – 600 002.

Represented by its Chief Financial Officer

& Company Secretary

Mr.T.Krishnamurthy

... Plaintiff

-Vs-

1. M/s.Som Distilleries & Breweries Limited

Rojrachak, Dist. Raisen – 464990.

Madhya Pradesh.

2. M/s.Tamilnadu State Marketing

Corporation Ltd.,

1, Gandhi Irwin Road,

Egmore, Chennai – 600 008.

... Defendants

Civil suit praying that this Hon'ble Court be pleased to a Judgment and decree

(a) Granting permanent injunction restraining the defendants by themselves, their servants or agents or anyone claiming through them from in any manner infringing the plaintiff's registered and well established bottle design referred as M.O.No.1 either by using the offending identical bottle

design referred as M.O.No.2 or in any manner advertising the same.



(b) Directing the defendants to surrender to the plaintiff the entire stock of unused offending identical bottle design along with the blocks and dyes for destruction.

(c) Directing the defendants to render a true and faithful account of the profits earned by the defendants through the sale of beer by using the offending bottle design and directing payment of such profits to the plaintiff for the infringement committed by the defendants

(d) directing the defendant to pay to the plaintiff the costs of the suit.

This Civil Suit coming on this day before this court for hearing in the presence of Mr.S.Diwakar for Mr.Rajesh Ramanathan, advocates for the plaintiff herein and the defendants herein not appearing in person or by advocate and the said defendants herein having been set ex-parte and upon reading the plaint and the memo dated 17/08/2021 filed herein and the learned counsel for the plaintiff having submitted that he has instructions from the plaintiff to withdraw the suit to that effect he had filed a memo and

it is ordered as follows:-

That the suit in C.S.No.5 of 2011 be and is hereby dismissed as



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

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WITNESS THE HON'BLE MR. JUSTICE SANJIB BANERJEE,
CHIEF JUSTICE, HIGH COURT AT MADRAS AFORESAID, THIS THE
25TH DAY OF AUGUST 2021.

Sd/-

ASSISTANT REGISTRAR (Comm.Cases)

//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.



ED

13.10.2021

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C.S.No.5 of 2011

ORDER:

DATED : 25/08/2021

THE HON'BLE MR. JUSTICE
R. SUBRAMANIAN

FOR APPROVAL: 20.10.2021

APPROVED ON : 21.10.2021



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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.08.2021

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THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN

C.S.No.5 of 2011

MOHAN BREWERIES & DISTILLERIES LTD.,

No.158, Rayala Towers, II Floor,

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Represented by its Chief Financial Officer

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...Plaintiff

.Vs.

1.M/s.Som Distilleries & Breweries Limited

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Madhya Pradesh.

2.M/s.Tamilnadu State Marketing

Corporation Ltd.,

1, Gandhi Irwin Road,

Egmore, Chennai – 600 008.

... Defendants

Plaint filed under Order VII Rule 1 CPC and Order IV Rule 1 of O.S. Rules and Section 22 of the Designs Act, 2000 praying for a judgment and decree:

(a) Granting permanent injunction restraining the defendants by themselves, their servants or agents or anyone claiming through them from in any manner infringing the plaintiff's registered and well established bottle design referred as M.O.No.1 either by using the offending identical bottle design referred as M.O.No.2 or in any manner advertising the same;

(b) Directing the defendants to surrender to the plaintiff the entire



stock of unused offending identical bottle design along with the blocks and dyes for destruction;

(c) Directing the defendants to render a true and faithful account of the profits earned by the defendants through the sale of beer by using the offending bottle design and directing payment of such profits to the plaintiff for the infringement committed by the defendants and

(d) directing the defendant to pay to the plaintiff the costs of the suit.

For Plaintiff : Mr.S.Diwakar
for Mr.Rajesh Ramanathan.

For Defendants : Set exparte

J U D G M E N T

Mr.S.Diwakar, learned counsel appearing for the plaintiff would submit that he has instructions from the plaintiff to withdraw the suit. A memo to that effect has also been filed.

2. In view of the same, the suit is dismissed as withdrawn.

No costs.

Sd./- R.S.M.J.
25.08.2021

//Certified to be true copy//

Dated at Madras this the day of 2021.

COURT OFFICER(O.S.)

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