



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(ORDINARY ORIGINAL CIVIL JURISDICTION)

TUESDAY, THE 24<sup>th</sup> DAY OF AUGUST 2021

THE HON'BLE MR. JUSTICE R.SUBRAMANIAN

C.S. No. 6 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. Khoday Breweries Limited

7<sup>th</sup> Mile, Kanakapura Road,

Bangalore - 560 002

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 pass 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 suit.

This Civil Suit coming on this day before this Court for hearing in the presence of Mr.S.Diwakar for Mr.Rajesh Ramanathan, Advocate for the Plaintiff herein and Ms.N.Mrinalini for Mr.Ananth Padmanabhan, Advocate for the Defendants herein and upon reading the plaint filed herein and the learned Counsel appearing for the plaintiff would submit that he has got instructions to withdraw the suit. A memo to that effect has also

been filed and this Court doth recording the memo and it is ordered as



follows:-

WEB COPY

(i) That the suit in C.S. No.6 of 2011 be and is hereby dismissed as withdrawn.

(ii) That there shall be no costs of this suit.

WITNESS THE HON'BLE MR. JUSTICE SANJIB BANERJEE,  
CHIEF JUSTICE, HIGH COURT AT MADRAS AFORESAID, THIS THE  
24th DAY OF AUGUST 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/Decrees in this format.



WEB COM ARS

4

26.11.2021

C.S. No. 6 of 2011

ORDER

DATED : 24.08.2021

THE HON'BLE MR. JUSTICE  
R.SUBRAMANIAN

FOR APPROVAL: 26.11.2021

APPROVED ON : 01.12.2021



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.08.2021

CORAM:

THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN

**C.S.No.6 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.Khoday Breweries Limited,  
7<sup>th</sup> Mile, Kanakapura Road,  
Bangalore – 560 002.

2.M/s.Tamilnadu State Marketing Corporated Ltd.,  
1, Gandhi Irwin Road, Egmore,  
Chennai – 600 008.

...Defendants

Prayer: Complaint filed under Order VII, Rule 1 of C.P.C., r/w. Order IV Rule 1 of the High Court original side rules r/w. Sections 22 of the Designs Act, 2000, praying as follows:-

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.

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

For Defendants : Ms.N.Mrinalini for Mr.Ananth Padmanabhan

### **J U D G M E N T**

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

2.In view of the above, this suit is dismissed as withdrawn.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

Sd/- R.S.M.J.  
24.08.2021

### **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:**

WEB COPY Nil

Sd/- R.S.M.J.  
24.08.2021

//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/Decrees in this format.