



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(ORDINARY ORIGINAL CIVIL JURISDICTION)

TUESDAY, THE 14TH DAY OF SEPTEMBER 2021

THE HON'BLE MR. JUSTICE R.SUBRAMANIAN

C.S. No.19 of 2012

Orchid Chemicals & Pharmaceuticals Ltd.,
A Company incorporated under the Companies Act, 1956
Having its registered Office at
313, Valluvar Kottam High Road,
'Orchid Towers'
Nungambakkam,
Chennai – 600 034.

Represented by Ms.Bhoomijha Murali
Sr.G.M-Legal & Company Secretary

...Plaintiff

Versus

Wockhardt Limited,
D-4,M.I.D.C.,
Chikalthana,
Aurangabad – 431 210,
Maharashtra.

...Defendant

Civil suit praying that this Hon'ble Court be pleased to pass a
Judgment and Decree:

(a) granting a permanent injunction, restraining the Defendants, by
itself, its servants, agents, distributors, or anyone claiming through them
from manufacturing, selling, advertising and offering for sale using the
registered Trade Mark METO or METO upon medicinal and
Pharmaceutical Preparations or any goods or in any media and use the same
in invoices, letter heads and visiting cards or by using any other trade mark



with prefix or suffix with the expression METO or any other similar sounding expression which is in any way visually, phonetically or deceptively similar to the Plaintiffs Registered Trade Mark METO or in any manner infringing the Plaintiffs Registered Trademark No.1164335 in Class 5 for Medicinal and Pharmaceutical Preparations.

(b) directing the Defendant to surrender to the Plaintiffs all the packing material, cartons, advertisement materials and hoardings, letter-heads, visiting cards, office stationery and all other materials containing/bearing the Trade Mark METO or other deceptively similar Trade Mark in respect of pharmaceutical preparations.

(c) for a preliminary decree in favour of the Plaintiff, directing the Defendant to render an account of profits made by them by the use of the Trade Mark METO in relation to medicine and for a final decree in favour of the Plaintiffs for the amount of the profits found to have been made by the Defendants, after the Defendants have rendered accounts.

(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 Mrs.Gladys Daniel, advocate for the plaintiff herein and Mr.V.Suresh for M/s.Shivakumar & Suresh, advocates for the defendant herein and upon reading the plaint filed herein and the learned counsel for

the plaintiff having submitted that she has got instructions to withdraw the



suit and this court doth recording the said statement and **it is ordered as follows:-**

That the suit in C.S.No.19 of 2012 be and is hereby dismissed as withdrawn.

2) 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
14TH DAY OF SEPTEMBER 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.



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VSP

09/11/2021

C.S. No.19 of 2012

ORDER

DATED : 14.09.2021

THE HON'BLE MR.JUSTICE
R.SUBRAMANIAN

FOR APPROVAL:28/12/2021

APPROVED ON:12/01/2022



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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14.09.2021

CORAM:

THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN

C.S.No.19 of 2012

Orchid Chemicals & Pharmaceuticals Ltd.,
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Having its registered Office at
313, Valluvar Kottam High Road,
'Orchid Towers', Nungambakkam,
Chennai – 600 034.
Represented by Ms.Bhoomijha Murali,
Sr.G.M-Legal & Company Secretary

...Plaintiff

Vs.

Wockhardt Limited,
D-4, M.I.D.C.,
Chikalthana,
Aurangabad – 431 210.
Maharashtra.

...Defendant

Prayer: Complaint filed under Order VII Rule 1 of the C.P.C., r/w. Sections 27, 143, 134 & 135 of the Trademarks Act, 1999 and Order IV Rule 1 of the original side rules, praying as follows:-

a) granting a permanent injunction, restraining the defendants, by itself, its servants, agents, distributors, or anyone claiming through them from manufacturing, selling, advertising and offering for sale using the registered Trade Mark “METO” or “METO” upon medicinal and



Pharmaceutical Preparations or any goods or in any media and use the same in invoices, letter heads and visiting cards or by using any other trade mark with prefix or suffix with the expression “METO” or any other similar sounding expression which is in any visually, phonetically or deceptively similar to the Plaintiffs registered Trademark “METO” or in any manner infringing the plaintiffs registered trademark No.1164335 in Class 5 for Medicinal and Pharmaceutical Preparations.

b) directing the Defendant to surrender to the plaintiffs all the packing material, cartons, advertisement materials and hoardings, letter-heads, visiting cards, office stationery and all other materials containing/bearing the Trademark “METO” or other deceptively similar Trademark in respect of pharmaceutical preparations.

c) for a preliminary decree in favour of the plaintiff, directing the defendant to render an account of profits made by them by the use of the trademark “METO” in relation to medicine and for a final decree in favour of the plaintiffs for the amount of the profits found to have been made by the Defendants, after the Defendants have rendered accounts.

d) directing the Defendant to pay to the Plaintiff the costs of the suit.

For Plaintiff : Mrs.Gladys Daniel

For Defendant : Mr.V.Suresh for

M/s.Shivakumar & Suresh



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JUDGMENT

Mrs.Gladys Daniel, learned counsel appearing for the plaintiff would submit that she has got instructions to withdraw the suit.

2.Recording the said statement, this suit is dismissed as withdrawn.

No costs.

Sd./-R.S.M.J
14.09.2021

List of witness and documents filed on the side of the plaintiff:

Nil

List of witness and documents filed on the side of the defendant:

Nil

Sd./-R.S.M.J
14.09.2021

//Certified to be true copy//

Dated at Madras this the day of 2022.

COURT OFFICER(O.S.)

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