

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26.02.2021

CORAM:

THE HON'BLE JUSTICE C.V.KARTHIKEYAN

C.S.No.325 of 2012

1.EATMAN FOODS INDIA PRIVATE LIMITED
Rep. by its Managing Director Mr.P.Subramanian
264, Gandhi Nagar, Chinnampalayam Post
Erode 638 104.

2.VEG TRADING COMPANY

Represented by its Managing Partner,
Mr.P.Subramanian,
No.105 E, Prakasam Street,
Erode 638 001.

... Plaintiffs

..Vs..

M/s.Savorit Ltd.
Rep. by its Managing Director,
No.2, S.N.Street, Tollgate,
Chennai 600 081.

... Defendant

PRAYER : Complaint filed under and Order IV Rule 1 of the Original Side Rules Read with Sections 134 and 135 of the Trademarks Act, 1999 prayed for a Judgment and Decree:-

(a) Granting permanent injunction restraining the Defendant by themselves, their servants, men or agents or anyone claiming through them from in any manner infringing the plaintiff's Trademark **"TASTEE MASALAS"** by using the similar or deceptively similar Trade Mark on the wrapper of the Defendant's food products, together with any write up or any other representation or words which are in any manner identical to and deceptively similar with the Trade Mark of the plaintiffs;

(b) Granting permanent injunction restraining the Defendant by themselves, their servants or agents or anyone claiming through them from in any manner passing off the defendant's **"Tastii"** Rava / Sooji or vermicelli or such other food products and 'Tastii flavouring' and **"TASTII MASALA"** in respect of the food products manufactured and marketed by the defendants, bearing the offending trade mark/s with visual and phonetically identical and / or deceptively similar colour scheme, get up and write up, as and for the celebrated food products of the plaintiffs, bearing the trade mark **"TASTEE"**, and **"TASTEE MASALAS"** with peculiar get up and write up either by manufacturing or selling or offering for sale or in any manner advertising in the print or visual media, the defendant's offending

products to the public or by using the said impugned mark "**Tastii**" / "**Tastii Masala**" for or on the defendant's web-site for the purpose of access to public;

(c) Directing the defendant to surrender to the plaintiffs the entire stock of unused offending "**Tastii**" vermicelli and "**Tastii Masala**" in / on their food products, along with unused wrappers together with blocks and dyes for destruction;

(d) Directing the defendant to render a true and faithful account of the profits earned by it through the sale of the offending food products bearing the offending trade mark "**Tastii**" vermicelli, "**Tastii Masala**" and other food products, wrapper / carton and directing payment of such profits to the plaintiffs for the infringement and passing off committed by the defendants;

(e) Directing the defendant to pay to the plaintiffs the cost of the suit.

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For Plaintiffs : M/s.Perumbulavil Radhakrishnan

For Defendant : Mr.Srivatsan

J U D G M E N T

A memo had been filed by the learned counsel for the plaintiff dated 23.02.2021 which had been signed by the learned counsel for the plaintiff and presented before the Court on 24.02.2021.

2. The memo is as follows:

"The plaintiffs above named respectfully state and submit that the above suit was filed for infringement of trademark and passing off. The plaintiffs have decided to withdraw the suit and have accordingly instructed the counsel for the plaintiff and have signed a withdrawal letter which is herewith enclosed. It is therefore prayed that this Hon'ble Court may be pleased to dismiss the suit as withdrawn and thus render justice.

Dated at Chennai on this the 23rd day of

February 2021.

*sd/---,
Counsel for Plaintiffs."*

3. Along with the memo the learned counsel had enclosed the letter from the plaintiff which is as follows:

"Date: 12.01.2021

To

*Perumbulavil Radhakrishnan and RAMJI.G
Advocates*

*36, Law Chamber, High Court Building,
High Court, Chennai.*

Dear Sir,

*We confirm that we wish to withdraw the suit filed by
us in the Madras High Court being C.S.No.325 of 2012*

Kindly do the needful.

With regards

For Eatman Foods India Private Limited.

*sd/---,
Advocate."*

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C.V.KARTHIKEYAN, J

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4. In view of the same, suit has been dismissed as withdrawn. No

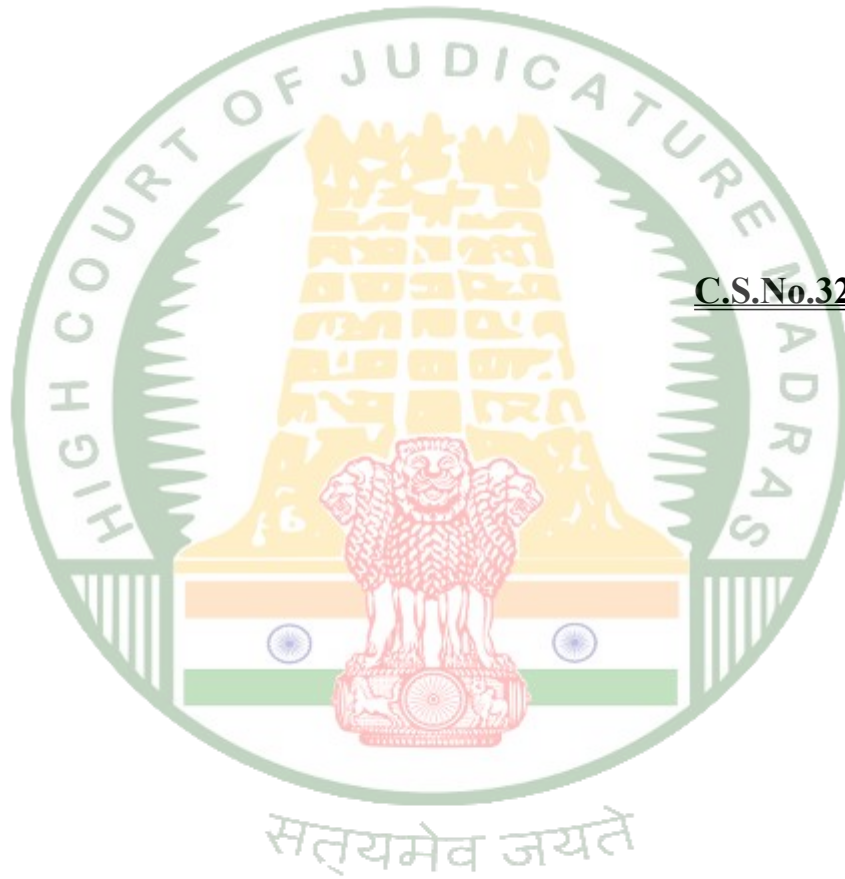
order as to costs.

26.02.2021

Index : Yes / No

Web : Yes / No

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