

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 22.03.2021

CORAM:

THE HONOURABLE MR. JUSTICE **C.V.KARTHIKEYAN**

C.S.No.966 of 2015

M/s.Storytrails India Private Limited,
having its registered office at 21/2, TTK Road,
1st cross, Sriram Nagar, Chennai – 600 018.
represented by its Managing Director,
Vijay Prabhat Kamalakara .. Plaintiff

/versus/

M/s.Marvellous India Tours & Travels,
a proprietorship firm represented by its proprietor,
Kaushik Chatterjee having office at 7C Indra Roy Road,
Bhowanipore, Kolkata – 700 025, West Bengal, India.
.. Defendant

This Civil Suit is filed under Order IV Rule 1 and 2 of the
Original Side Rules, read with Order VII Rule 1 of the Code of Civil
Procedure, 1908 and Section 134 of the Trade Marks Act, 1999, prayed
for a Judgment and Decree against the defendant:-

a).A permanent injunction restraining the defendant and its
assigns, successors-in-interest, licensees, franchisees, partners,
representatives, servants, distributors, employees, agents etc. from
passing off the plaintiff's trademark STORYTRAILS or any deceptive
variations thereof or other words and/or logo singularly or in conjunction

with any other word or monogram/logo identical or deceptively similar thereto as a trade mark, service mark, trade name, trading style, or in any other manner whatsoever in relation to or upon any goods and/or services whatsoever;

b).a permanent injunction restraining the defendant, his assigns, successors-in-interest, licensees, franchisees, partners, representatives, servants, distributors, employees, agents etc. be restrained from applying and/or obtaining registration before any competent body or government authority of the words STORYTRAILS or any deceptive variations thereof, singularly or in conjunction with any other word(s) or monogram/logo as a trade or service mark, domain name, corporate name or copyright for the purposes of using the same as a trade mark, service mark, corporate name, name of business entity such as a firm or a partnership, website/domain and /or e-mail address.

c).A mandatory injunction be passed directly and ordering the defendant to delivery up to the plaintiff, for destruction of their entire stationery, letterheads, signage, reprographic material, packaging, labels or any other material for advertising, selling or marketing any goods and/or services; under the trade mark 'STORYTRAILS' or any deceptive variations thereof.

d).A mandatory injunction be passed directing and ordering the defendant to render a true and faithful account of all profits made by the defendant by using the trademark STORYTRAILS by producing before the Hon'ble Court or any person nominated/designated/appointed by this Hon'ble Court all accounts in general and invoices and sales figures in

particular.

e).The defendant be ordered and decreed to pay to the plaintiff of damages a sum of Rs.25,00,000/- (Rupees Twenty Five Lakhs) as damages on account of infringing and passing off the trademark STORYTRAILS.

f).For costs of the Suit.

For Plaintiff : Mr.Rajana
For Mr.Raj Jhabakh
For Defendant : No appearance

JUDGMENT

A memo dated 15.03.2021 had been filed by the learned counsel for the plaintiff, which is as follows:

“2.That, subsequent to the filing of the present plaint, the plaintiff and the defendant has amicably settled the dispute by executing a Settlement Agreement dated 08th September, 2016. Therefore, nothing survives as part of this plaint, and is ought to be withdrawn.

3.That, in light of this, it is prayed that the Hon'ble

Tribunal be pleased to allow the plaintiff to withdraw the said plaint and refund the court fees paid by the plaintiff while filing the said suit, and pass such other orders in the interest of justice

Date at Chennai on this the 15th day of March, 2021.

sd/-

Counsel for the plaintiff”

2.In view of the said memo dated 15.03.2021, which had been signed by the learned counsel for the plaintiff, the suit is dismissed as settled out of Court. No order as to costs. The memo filed by the learned counsel for the plaintiff shall form part of the decree.

3.The plaintiff is entitled for refund of court fees in accordance with the rules.

22.03.2021

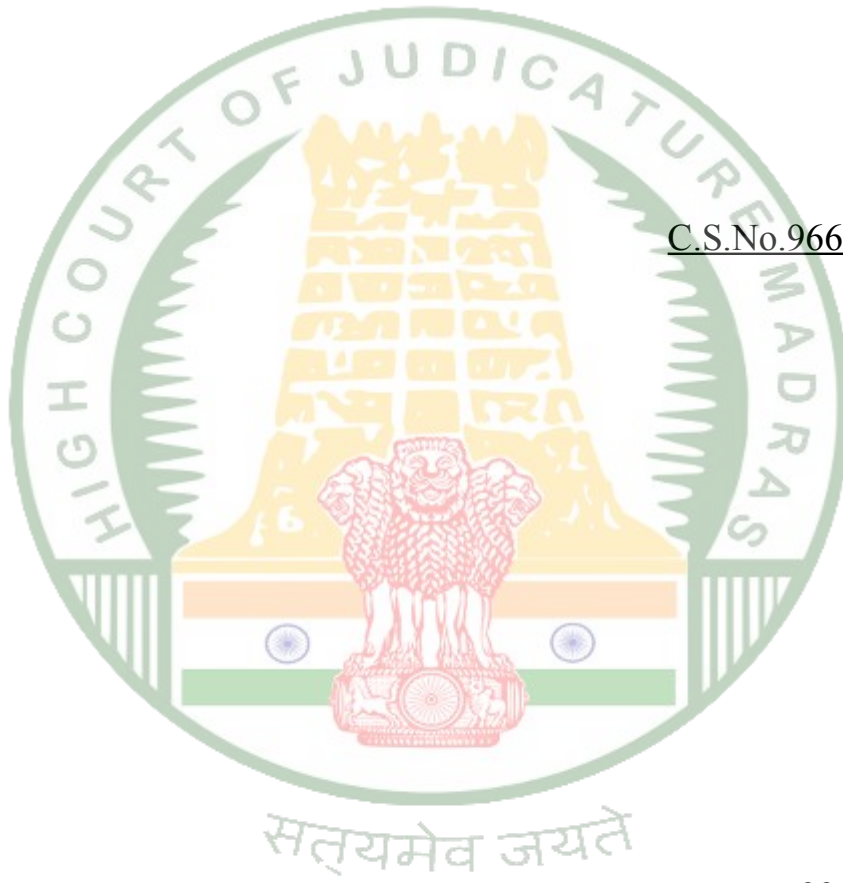
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C.V.KARTHIKEYAN,J.

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