

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.02.2021

CORAM:

THE HON'BLE JUSTICE C.V.KARTHIKEYAN

C.S.No.449 of 2016

1.MINBIMBANGAL PRODUCTIONS (P) LTD

A Company rep by its Director,
Mrs.Geetha Kailasam,
having office at
No.2-A, Vinayaka Apartments,
34-36, Bhaktavatsalam Salai,
Mylapore, Chennai 600 004.

2.E9 INTRAKT

A partnership Firm,
Rep. herein by its partner,
Mrs.Geetha Kailasam,
having office at
No.2-A, Vinayaka Apartments,
34-36, Bhaktavatsalam Salai,
Mylapore, Chennai 600 004.

... Plaintiffs

..Vs..

HARSHINI MOVIES

Rep. by Mr.Murugan,
136, Arcot Road,
Shyamala Garden,
Saligramam, Chennai 600 093.

... Defendant

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PRAAYER : Plaintiff filed under and Order IV Rule 1 of the Madras High Court Original Side Rules read with Order VII Rule 1 of the Code of Civil Procedure, 1908 and read with Sections 134 and 135 of Trademarks Act, 1999 and Sections 55 and 62 of Copyright Act, 1957 prayed for a Judgment and Decree:-

(a) For permanent injunction restraining the Defendant, their men, agents, servants, associates, representatives, or anybody claiming under it from using the title "Vidathu Karuppu" or any title that may be deceptively similar to Plaintiff's title / trademark "Vidathu Karuppu" for its full length motion picture.

(b) For order of costs of the suit.

For Plaintiffs : Ms.Maithreyi

J U D G M E N T

A Memo had been filed on behalf of the plaintiff which has been signed by the learned counsel. It is dated 02.02.2021. The memo is extracted below:

"The plaintiffs above named respectfully submits as follows:

1. The above suit has filed suit under Section 134 and 135 of the Trademarks Act, 1999 and Section 55 and 62 of the Copyright Act, 1957 and Order IV Rule 1 of Original Side Rules read with Order VII Rule 1 CPC praying for permanent injunction restraining the defendant, their men, agents, servants, associates, representatives, or anybody claiming under it from using the title "Vidathu Karuppu" or any title that may be deceptively similar to Plaintiff's title / trademark "Vidathu Karuppu".

2. This Hon'ble Court was pleased to grant an order of interim injunction in application O.A.No.572 of 2016 on 20.07.2016 and the same was subsequently made absolute on 18.08.2016.

3. The plaintiffs submit that the plaintiff has served the Defendant vide Notice dated 20.07.2016 and the same was delivered on the Defendants on 26.07.2016 and Proof of Service was filed on 08.08.2016.

4. As subsequent development, it was ascertained that the Defendant has changed the name of the Defendant's film to 'Shenbaga Kottai'.

C.V.KARTHIKEYAN, J

rna

5. The plaintiffs hence are pleased to file this memo before this Hon'ble Court as nothing further subsists, and the suit is therefore not being pressed.

In light of the same it is prayed that this Hon'ble Court be pleased to record the aforesaid developments and pass such further or other orders as this deems fit and proper in the interest of justice.

Dated at Chennai on this the 02nd day of February 2021.

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

2. In view of the memo, the suit is dismissed as not prosecuted.

No order as to costs.

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Index : Yes / No

Web : Yes / No

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