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C.S.No.390 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 29.11.2021

Coram:

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Civil Suit No.390 of 2019

(Comm. Suit)

and

A.Nos.4281 and 8338 of 2019

D.Poongothai
trading as VSA COCOS
No.20/2, 2nd Floor,
Amace Prajaparamita
Sriram Nagar Main Road
Tiruvanmiyur, Chennai-600 041.

.. Plaintiff

/versus/

M/s.Gurukrupa Trading Co
G3, Kanchan Chambers
Thakorvas, Madhavpura Chowk
Ahmedabad 380 004
Rep. by its partner
Mr.Piyush Jayantilal Thakkar

..Defendant

Prayer:

Civil Suit has been filed under Order VII, Rule 1 of CPC read with Sections 27, 134 and 135 of the Trademarks Act, 1999, Sections 51, 54, 55 and 62 of the Copyrights Act, 1957 and Section 7 of the Commercial



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Courts, Commercial Division and Commercial Appellate Division of High Courts Act, No.4 of 2016 - Suit for permanent injunction for infringement of Trademark, Copyright and Passing off praying to pass a judgment and decree for:-

(a) a permanent injunction restraining the defendant, by themselves, their partners, men, servants, agents, representatives, distributors, stockists or anyone claiming through or under them from in any manner infringing the plaintiff's registered trade mark VSA label by manufacturing, selling, offering to sell, distributing, stocking, displaying, printing, advertising using the trademark USA label that is identical to plaintiff's trademark VSA label or in any manner whatsoever;

(b) a permanent injunction restraining the defendant, by themselves, their partners, men, servants, agents, representatives, distributors, stockists or anyone claiming through or under them from in any manner infringing the plaintiff's copyright in their distinctive VSA label by manufacturing, selling, offering to sell, distributing, stocking, displaying, printing, advertising using the trademark USA label with all the artistic features that is identical to plaintiff's trademark VSA label or in any manner whatsoever;

(c) a permanent injunction restraining the defendant, by themselves, their partners, men, servants, agents, representatives, distributors, stockists or anyone claiming through or under them from in any manner passing off or enabling others to pass off the defendant's products as and for that of plaintiff's products by manufacturing, selling,



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offering to sell, distributing, stocking, displaying, printing, advertising using the trademark USA label that is identical to plaintiff's trademark VSA label or in any manner whatsoever;

(d) the defendant be ordered to pay to the plaintiff a sum of Rs.1,00,000/- as damages for committing acts of infringement against plaintiff's registered trademark, infringement of copyright in label/packaging so as to pass off its products as and for the plaintiff's products;

(e) the defendant be ordered to surrender to plaintiff for destruction of all products, labels, cartons, visiting cards, leaflets, promotional materials, brochures, dyes, blocks, moulds, screen prints, packing materials and other materials using the infringing trademark USA label or any other trademark identical or deceptively similar to that of plaintiff's trademark VSA label;

(f) a preliminary decree be passed in favor of the plaintiff directing the defendant to render accounts of profits made using the trademark USA label and a final decree be passed in favor of plaintiff for the amount of profits thus found to have been made by defendant after verifying the accounts;

(g) for costs of the suit;

For Plaintiff: Ms.S.Suba Shiny

For Defendant : Mr.Krishnasamy Chinnasamy



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J U D G M E N T

The suit is permitted to be withdrawn in terms of the memo dated 01.10.2021 filed by the plaintiff.

2. Accordingly, this Civil Suit is dismissed as withdrawn. There shall be no order as to costs. Consequently, connected applications are closed.

29.11.2021

Index : Yes/No
Speaking/Non-speaking
mk

To
The Sub-Assistant Registrar,
Original Side,
High Court, Madras.

N.ANAND VENKATESH. J.,



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mk

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