



C.S.No.992 of 2008

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.12.2022

CORAM

THE HONOURABLE MR.JUSTICE C.SARAVANAN

C.S.No.992 of 2008

and

A.Nos.1114, 1115, 1116 & 1117 of 2011

1.M/s.Durable Chrome Factory (1972),

A partnership firm represented by
its Managing Director,

Mr.S.Srinivasan,

Having its registered office at

No.842, Anna Salai,

Chennai - 600 002.

2.M/s.Durable Chrome Factory (Mount Road),

A partnership firm represented by
its Partner,

Mr.S.Giridharan,

Having its registered office at

No.842, Anna Salai,

Chennai - 600 002.

3.M/s.Durable Chrome Factory (T.Nagar),

A partnership firm represented by
its Partner,

Mr.S.Giridharan,

Having its Showroom at

No.842, Anna Salai,

Chennai - 600 002.

... Plaintiffs



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Vs.

1.M/s.Durable Chrome Factory,
Represented by its Managing Partner,
Mr.Ramanujam,
Having its registered office at
No.124, Broadway,
Chennai - 600 001.

2.Mr.S.Ramanujam

3.Mr.S.Parthasarathy

4.Mr.S.Gopalakrishnan

5.Mrs.Malini Ramanujam

6.Mrs.Shoba Parthasarathy

7.Mrs.Shanthi Gopalakrishnan

8.Mrs.Vasantha Kasturirangan

9.Mr.Shyam Parthasarathy

10.Ms.Vanadana Gopalakrishnan

11.M/s.Durable Chrome Factory (T.N),
Represented by its Managing Partner,
Mrs.Malini Ramanujam,
W/o.Ramanujam,
25/B, Raja Annamalai Road,
Purasaivalkam, Chennai - 600 084.

... Defendants



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Prayer: This Civil Suit is filed under Order IV Rule 1 of the O.S Rules read with Order VI Rule 1 of the Code of Civil Procedure, Sections 27, 28, 29, 134 and 135 of the Trade Marks Act, 1999, prayed for a Judgment and Decree:-

a) For Permanent Injunction restraining the Defendants 5 to 11, their associate members, servants, agents, representatives, successors, stockists, dealers, distributors, wholesalers, retailers, or any of them from in any manner selling leather foot wear and allied accessories by infringing the plaintiff's registered trade marks "Durable" and artistically styled word "D" registered under Trade Mark Nos.1100562 & 1100561 dated 29.03.2008 and its trade name "Durable Chrome Factory, 1972", "Durable Chrome Factory (T.Nagar) and "Durable Chrome Factory (Mount Road) in any manner by establishing or locating their show rooms or enabling to pass-off Defendant's goods as and for the Plaintiff's goods by using words which are deceptively similar to the Plaintiff's name and its trade marks in any manner and anywhere in State of Tamil Nadu including the City of Chennai.

b) For Permanent Injunction restraining the Defendants 5 to 11 by themselves, their partners, men, servants, agents, representatives, successors in business, assigns or any one claiming through them from in any manner passing off or enabling others to passing off their Leather Foot Wear or other Allied accessories as and for the plaintiffs products by



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use of the trade mark "Durable" or its trade names with artistic device of the word "D" in a similar colour scheme and layout to that of the word "Durable" and Logo "D" used in the plaintiffs materials or any other trade marks or artistic works which are deceptively similar to the plaintiffs trade mark and by copying the essential features, placement of matters, colour combination, design, get up, layout of the plaintiffs brouchers/pamphlets, signboard, calendars, carry bags, wall posters and other sales promotional materials or any other manner whatsoever.

c) For Mandatory Injunction directing the defendants 5 to 8 and 11 to close down its showroom by removing the sign board fixed by the defendants 5 to 8 and 11 "Durable Chrome Factory (T.N)" from its showroom situated at D.No.4, Duraisamy Road, T.Nagar, Chennai - 17 using the name of the Plaintiffs trade mark "Durable" and a similar trade name as that of the Plaintiffs.

d) To pass a preliminary decree in favour of the plaintiffs directing the defendants 5 to 8 and 11 to render the profits made by use of the Trade name Durable Chrome Factory (T.N) in the showroom situated at No.4, Duraisamy Road, T.Nagar similar to the trade name of the 3rd plaintiff and final decree may be passed in favour of the plaintiff for the amount of profits thus found to have been made by the defendants D5 to D8 and D11.

e) To award the costs of the suit.



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For Plaintiffs : Mr.S.R.Raghunathan

For Defendants : Mr.B.Christ Das

JUDGMENT

The learned Counsel for the plaintiffs seeks permission of this Court to withdraw this suit, and he has also made the following endorsement to that effect:

“The defendant has vacated the shop and hence the relief has become infructuous. Hence, the plaintiff may be permitted to withdraw this suit.”

2. In view of the endorsement made by the learned Counsel for the plaintiffs, this Civil Suit is dismissed as withdrawn. No costs. Consequently, the connected Applications are closed.

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Internet : Yes/No

Index : Yes/No

Speaking Order/Non-Speaking Order
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