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C.S.No.866 of 2015

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 10.11.2022

CORAM

THE HON'BLE MR.JUSTICE M.SUNDAR

C.S.No.866 of 2015
(Comm. Suit)

M/s.Thalappakatti Hotels Private Ltd.,
Represented by its Managing Director D.Nagasamy
Having its head office at No.5/10-73E,
Seven Wells Street,
St.Thomas Mount, Chennai-600 016.

.. Plaintiff

Vs.

Taj Thalappakattu Biriyan
Represented by Saleem
Having his restaurant at No.2G,
Potheri, Near SRM College,
Chennai-603 203.

.. Defendant

This Civil Suit is preferred, order VII Rule 1 of CPC read with Order IV Rule 1 of High Court O.S.Rules and Sections 134 and 135 of the Trademarks Act, 1999, praying

(a) Granting a permanent injunction restraining the defendant, their men, servants, agents or anyone claiming through or under them from in any manner infringing and passing off the plaintiff Trade Mark and Trading Style "Thalappakatti Biriyan Hotel" by using the offending Trade Mark and Trading style "Thalapakattu" or any other mark or marks



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which are similar or in any way deceptively similar to or a colourable imitation of the plaintiffs Trade Mark "Thalappakatti Biriyan Hotel";

(b) Directing the defendant to render a true and faithful account of the profits earned by them through the sale of food products bearing the offending trade mark "Thalapakattu" and directing payment of such profits to the plaintiff by way of damages for infringement committed by the defendant;

(c) Directing the defendant to surrender to plaintiff the entire stock of unused offending goods with Trade Mark "Thalapakattu" with name boards, labels, wrappers, boxes, covers, bags, packets, cartons, bills, advertisements, materials, reports, envelopes, brochures, printing blocks, etc., bearing the offending Trade Mark for destruction;

(d) Directing to the defendant to pay the plaintiff the costs of the suit;

For Plaintiff : Mr.Vijayan Subramanian

J U D G M E N T

Matter mentioned at quarter past two.

2. Mr.Vijayan Subramanian, learned counsel on record for plaintiff submits that he has instructions from the plaintiff to withdraw the captioned suit. Saying so, learned counsel has made an endorsement in



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the case file and a scanned reproduction of the same is as follows:

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I have got instructions
from Plaintiff to withdraw
the Suit. I may be
permitted to withdraw
the Suit. S.V. 1/11/22

3. Learned counsel reiterates the aforementioned endorsement.

4. In the light of the aforementioned endorsement and reiteration of the same, captioned suit is dismissed as withdrawn. There shall be no order as to costs.

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Index : Yes/No
Speaking/Non-speaking order

gpa

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M.SUNDAR, J.

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