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C.S.No.90 of 2013

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 20.10.2022

CORAM

THE HON'BLE MR.JUSTICE M.SUNDAR

C.S.No.90 of 2013
and
O.A.Nos.109 & 110 of 2013
in
C.S.No.90 of 2013

M/s.ICARUS HEALTHCARE PVT. LTD.,
Rep. by its Director
Mr.M.Muthuraman
Old No.6, New 5, 52nd Street, 7th Avenue
Ashok Nagar,
Chennai - 600 083.

.. Plaintiff

Vs.

1. M/s.CHRISTY HEALTHCARE
No.C-213(4), Kothapuri Natham Road,
Mannadipet Commune
Thirubhuvanai,
Pondicherry - 107.

2. M/s.WELLCARE
No.39, Sevanthi Pillayar Kovil Street
Woraiyur,
Tiruchy - 620 003.

.. Defendants

This Civil Suit is preferred, under Order IV Rule (1) O.S.Rules
read with Sections 27, 134 and 135 of the Trade Marks Act, 1999,



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(a) Granting a PERMANENT INJUNCTION restraining the defendants by themselves, their servants, licensees, agents and distributors or any one claiming through them in any manner from committing 'infringement of plaintiffs' registered trade mark 'STAMINA-OD' in relation to goods medicinal and pharmaceutical preparations and food supplements by using a deceptively similar mark 'DAMINA-OD';

(b) Granting a PERMANENT INJUNCTION restraining the defendants by themselves, their servants, agents, distributors or any one claiming through them in any manner from committing 'passing off' their medicinal and pharmaceutical preparations and food supplements as and for or being connected with the business of the plaintiffs by using a deceptively similar mark 'DAMINA-OD';

(c) Directing the defendants to surrender to the plaintiff all the unsold strips, wrappers and other carton boxes containing or consisting of the offending mark together with the blocks or dyes used for the purpose of printing the same for destruction;

(d) Directing the defendants to pay the plaintiffs the cost of the suit;

For Plaintiff : Mr.N.R.Srinath

For defendants : Mr.Avinash Wadhwani
learned counsel representing
Mr.V.Raghavachari, for D2



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Mr.N.R.Srinath, learned counsel on record for plaintiff and Mr.Avinash Wadhwani, learned counsel representing Mr.V.Raghavachari, counsel on record for second defendant are before this Commercial Division.

2. To be noted, first defendant has been duly served and name of first defendant is shown in the cause list but none appears. Learned counsel on record for plaintiff submits that he has instructions from the plaintiff to withdraw the captioned suit.

3. Learned counsel has made an endorsement in the case file and a scanned reproduction of the same is as follows:

Withdrew
file and withdrawing the
case for N.R. Srinath Counsel for
Plaintiff.
f. S.
19/10/2012
Counsel for Plaintiff
20/10/2012

4. Aforementioned endorsement is reiterated in the hearing.



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M.SUNDAR, J.

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5. In view of the endorsement and reiteration of the same, captioned Civil Suit is closed as withdrawn. Consequently, connected applications are closed as withdrawn. There shall be no order as to costs.

20.10.2022

Index : Yes/No

Speaking/Non-speaking order

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