



WEB COPY



C.S.(Comm.Div.) No.165 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.11.2022

CORAM

THE HON'BLE MR. JUSTICE M. SUNDAR

C.S. (Comm.Div.) No.165 of 2022

&

O.A.Nos.501 and 502 of 2022

in

C.S. (Comm.Div.) No.165 of 2022

M/s.Vasanta Bhavan Hotels India Private Limited

Represented by its Director

Mr.Anand Krishnan (M-35 years)

Having its office at No.34

Developed Plots (South Phase)

Industrial Estate, Guindy, Chennai – 600 032

..Plaintiff

Vs.

Vasantha Bhavan

R.G.Sakthi Complex

Opp. To Bus Stand Tiruvanamalai

Thiruvannamalai – 606 601

..Defendant

Prayer: This Civil Suit is preferred under 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 Trade Marks Act, 1999 praying for judgment and decree

A) Granting a permanent injunction restraining the Defendant their men, servants, agents or anyone claiming through or under them from in any manner infringing the Plaintiff Trade Mark and Trading style “VASANTA



C.S.(Comm.Div.) No.165 of 2022

BHAVAN” by using the offending Trade Mark and Trading Style “VASANTHA BHAVAN” or any other mark or marks which are similar or in any way deceptively similar to or a colorable imitation of the Plaintiffs Trade Mark “VASANTA BHAVAN”.

B) Granting a permanent injunction restraining the Defendant their men, servants, agents or anyone claiming through or under them from in any manner **Passing off** the Plaintiff Trade Mark and Trading Style “VASANTA BHAVAN” by using the offending Trade Mark and Trading Style “VASANTHA BHAVAN” or any other mark or marks which are similar or in any way deceptively similar to or a colourable imitation of the Plaintiff's Trade Mark “VASANTA BHAVAN”.

C) 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 “VASANTHA BHAVAN” and directing payment of such profits to the Plaintiff by way of damages for infringement committed by the Defendant.

D) Directing the defendant to surrender to Plaintiff the entire stock of unused offending goods with Trade Mark “VASANTHA BHAVAN” with name boards, labels, wrappers, boxes, covers, bags, packets, cartons, bills, advertisements, materials, reports, envelops, brochures, printing blocks etc., bearing the offending Trademark for destruction.

E) Directing the Defendant to pay the Plaintiff the costs of the suit and pass such further or other orders as this Hon'ble Court may deem fit and proper in the circumstances of the case and thus render justice.



C.S.(Comm.Div.) No.165 of 2022

For Plaintiff : Mr.Vijayan Subramanian

J U D G M E N T

Mr.Vijayan Subramanian, learned counsel on record for plaintiff is before this Commercial Division.

2. Learned counsel submits that he has instructions from the plaintiff to withdraw the captioned suit. Saying so, learned counsel has made an endorsement in the case file and a scanned reproduction of the same is as follows:

I have got instructions
to withdraw the suit.
I may be permitted
~~the~~ to withdraw the
suit.

S. Vis L.
Counsel for Plaintiff
E.NO 1245/2007, 21/11/2022

W/L
MST
21/11



C.S.(Comm.Div.) No.165 of 2022

3. The aforementioned endorsement made in the case file is reiterated by the learned counsel in the hearing.

4. In the light of the aforementioned endorsement in the case file and reiteration of the same in the hearing, captioned suit is dismissed as withdrawn. Consequently, captioned applications are also dismissed as withdrawn. There shall be no order as to costs.

21.11.2022

Speaking Order/Non-speaking Order
Index: Yes/No



WEB COPY



C.S.(Comm.Div.) No.165 of 2022

M. SUNDAR,J.

gpa

C.S. (Comm.Div.) No.165 of 2022
& O.A.Nos.501 and 502 of 2022
in C.S. (Comm.Div.) No.165 of 2022

21.11.2022