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C.S.(Comm. Div.)No.174 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: **07.11.2022**

CORAM

THE HON'BLE MR.JUSTICE M.SUNDAR

C.S.(Comm. Div.)No.174 of 2022

M/s.Vasanta Bhavan Hotels India Private Limited

Represented by its Director

Mr.Anand Krishnan

Having its office at No.34

Developed Plots (South Phase)

Industrial Estate, Guindy,

Chennai-600 032.

.. Plaintiff

Vs.

Vasantha Bhavan

Jalakandapuram Main Road

Near Rice Mill, Nangavalli

Salem District, Tamil Nadu - 636 454.

.. Defendant

This Civil Suit is preferred, under Order IV, Rule 1 of CPC read with Order IV Rule 1 of High Court O.S. Rules and Section 134 and Section 134 of the Trade Marks 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 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



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similar or in any way deceptively similar to or a colourable 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 plaintiffs 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, envelopes, brochures, printing blocks etc., bearing the offending trademark for destruction;

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

For Plaintiff : Mr.Vijayan Subramanian



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J U D G M E N T

Matter mentioned at half past ten.

2. Mr.Vijayan Subramanian, learned counsel on record for sole plaintiff submits that the captioned suit has been settled out of Court. Learned counsel on record for plaintiff, on instructions from plaintiff company, seeks leave of this Commercial Division to withdraw the captioned suit. Saying so, learned counsel has made a withdrawal endorsement in the case file.

3. In th light of the narrative thus far, 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
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M.SUNDAR, J.

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