



C.S.No.188 of 2022

WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.12.2022

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THE HONOURABLE MR.JUSTICE C.SARAVANAN

C.S.(Comm.Div.) No.188 of 2022

and

O.A.Nos.563 and 564 of 2022

M/s.Vasanta Bhavan Hotels India Private Limited,
Rep 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,
New Bus Stand,
Elancheran Nagar,
Nagapattinam District,
Tamil Nadu – 611 001.

... Defendant

Prayer: This Civil Suit is filed under Order VII Rule 1 of CPC read with Order IV Rule 1 of High Court O.S. Rules and Section 134 and Section 135 of the Trade Marks Act, 1999, prayed for a Judgment and Decree:-



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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 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 colorable 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,



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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
For Defendant	: No Appearance

JUDGMENT

The learned Counsel for the plaintiff submits that pursuant to the serving of the suit summons, the defendant has altered the offending name from Vasantha Bhavan to New Balaji Bhavan and seeks permission of this Court to withdraw this suit, and he has also made the following endorsement to that effect:

“The defendant has changed the name to New Balaji Bhavan. I have got instruction from plaintiff to withdraw the suit. I may be permitted to withdraw the suit.”



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2. In view of the submission and the endorsement made by the learned Counsel for the plaintiff, 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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C.SARAVANAN,J.

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