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C.S(Comm. Div.)No.191 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 17.10.2022

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THE HON'BLE MR.JUSTICE M.SUNDAR

C.S(Comm. Div.)No.191 of 2022

and

O.A.Nos.569 & 570 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 Restaurant
No.39, Vadakku Veethi Sinna Kadai Theru
Tharangambadi Road, Mayiladuthurai
Tamil Nadu - 609 001.

.. Defendant

This Civil Suit is preferred, under Order VII Rule 1 of Civil Procedure Code, 1908 read with Order IV Rule 1 of High Court O.S. Rules and Sections 134 and Section 135 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



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"VASANTA BHAVAN" by using the offending Trade Mark and Trading style "VASANTA BHAVAN RESTAURANT" 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 "VASANTA BHAVAN RESTAURANT" 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 "VASANTA BHAVAN RESTAURANT" 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 "VASANTA BHAVAN RESTAURANT" 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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along with Ms.R.Roshini

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JUDGMENT

Mr.Vijayan Subramanian, learned counsel along with Ms.R.Roshini counsel on record for sole plaintiff is before this Commercial Division. Learned counsel submits that he has instructions from the plaintiff company to withdraw the captioned suit. Saying so, learned counsel has made an endorsement in the case file, a scanned reproduction of which is as follows:

I have got instruction
from Plaintiff, as to
withdraw the suit, as
the defendant has
closed the shop.
S.Vish.
17/10/22
Counsel for Plaintiff

M.SUNDAR, J.



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2. The learned counsel reiterates the aforementioned endorsement in the hearing.

3. In the light of the endorsement made and reiteration of the same in the hearing, captioned Civil Suit is disposed of as withdrawn i.e., dismissed as withdrawn. Consequently, connected applications are closed. There shall be no order as to costs.

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Index : Yes/No
Speaking/Non-speaking order

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