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C.S.No.337 of 2001

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.10.2023

C O R A M

THE HONOURABLE MR.JUSTICE ABDUL QUDDHOSE

C.S.No.337 of 2001

Kishore – Sons Detergent (P) Ltd.,
14-6-86, Chudi Bazar,
Hyderabad – 500 012.

.. Plaintiff

-Vs.-

Lakshmi Venkateswara Industries,
Dupadu – 518 218

.. Defendant

PRAYER: Civil Suit is filed under order IV Rule 1 O.S. Rules, read with Order VII Rule 1 of CPC read with Sections 105 & 106 of the Trade and Merchandise Marks Act, 1958, praying for:-

(a) granting a permanent injunction restraining the defendant by themselves, their servants, agents or anyone claiming through them from manufacturing and selling and offering for sale using the offending trademark as found in Document No.3 (EEL wrapper) in any colour or any other Trade Mark which is in any way deceptively / phonetically similar to or a colourable imitation of the trademark found in Plaintiffs registered Trade Mark No.474088 filed as Document No.2 herein or infringing any of the essential



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feature of the trademark found in the registered trademark of the Plaintiffs or in any manner infringing the plaintiffs registered Trade Mark No.474088 in class 3 for detergent cake.

(b) directing the defendant to render a true and faithful accounts of the profits earned by them through the manufacture and sale of the offending trademark Document No.3 and directing such profits to be paid to the Plaintiffs by way of damages for the infringement and passing off committed by the Defendant.

(c) directing the defendant to surrender to the Plaintiffs all the cartons, labels and any other printed matter containing or consisting of the trademark Document No.3 together with blocks used for the purpose of printing the same for destruction.

(d) directing the defendants to pay to the Plaintiffs the costs of the suit.

For plaintiff : Ms.Gladys Daniel

JUDGMENT

The learned counsel for the plaintiff seeks permission of this Court to withdraw the suit. However, she seeks liberty to the plaintiff to file a fresh suit



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in the event of the defendant using the trademark of the plaintiff in the near future. No prejudice would be caused if such a liberty is granted.

After recording the endorsement made by the learned counsel for the plaintiff, this suit is dismissed as withdrawn. However, liberty is granted to the plaintiff as prayed for. No costs.

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ABDUL QUDDHOSE,J.

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