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C.S.(Com.Div.)No.44 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.08.2023

CORAM:

**THE HONOURABLE MS.JUSTICE P.T.ASHA**

**C.S.(Com.Div.)No.44 of 2023**

**and**

**O.A.Nos.165 & 166 of 2023**

**and**

**A.No.1258 of 2023**

M/s.Vasanta Bhavan Hotels India Private Limited,  
Represented by its Director,  
Anand Krishnan  
Having its Office at No.34,  
Developed Plots (South Phase)  
Industrial Estate, Guindy, Chennai – 600 032.

..Plaintiff

Vs.

Vasantha Bhavan,  
Riverbond, Gingee-Tindivanam Road,  
Opp. to Court Complex,  
Gingee, Villupuram District – 604 202.

..Defendant

**PRAYER:** Original Suit filed under Order VII Rule 1 of the Code of Civil Procedure read with Order IV Rule 1 of the High Court Original Side Rules and Section 134 and Section 135 of the Trade Marks Act, 1999, praying for,



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 the 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;



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e) Directing the defendant to pay the plaintiff the costs of the suit.

For Plaintiff : Mr.Vijayan Subramanian

For Defendant : Not ready in notice

### **ORDER**

It is informed by the learned counsel for the plaintiff that the respondent has changed the Trade name and seeks to withdraw this suit and he has also made an endorsement to that effect.

2. In view of the same, this suit is dismissed as withdrawn. No costs. Consequently, the connected applications are closed.

**28.08.2023**

dsa

Index :Yes/No

Internet :Yes/No

Neutral Citation :Yes/No

Speaking order/Non-Speaking order



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**P.T.ASHA, J.**

dsa

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