



C.S.No.272 of 2016

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.02.2023

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THE HONOURABLE MR.JUSTICE C.SARAVANAN

C.S.No.272 of 2016

and

O.A.Nos.399 & 400 of 2016

Hatsun Agro Product Limited,
Having Registered Office at,
No.1/20-A, Rajiv Gandhi Salai (OMR),
Karapakkam, Chennai - 600 097.

And also carrying on its business at
Old No.AD-83/New No.AD13,
Anna Nagar, Opposite to IOB Towers Branch,
Chennai - 600 040.

... Plaintiff

Vs

1.M.Tamilselvan,
Trading as NAGA Enterprise,
Survey No.44/17, Perumattunallur Village,
Arungal Main Road,
Kattankulathur Block, Chengalpattu Taluk,
Kancheepuram District - 603 202.

2.Sunshine Ceramic Tiles,
Old No.42, New No.41/1&2,
G.S.T.Road, Nandhivaram,
Guduvancheri - 603 202.

... Defendants



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Prayer: This Civil Suit is filed under Order VII Rule 1 of the Code of Civil Procedure, 1908 read with Order IV Rule 1 of the High Court Original Side Rules and Sections 134 and 135 of the Trade Marks Act, 1999, prayed for a Judgment and Decree:-

i) For permanent injunction restraining the defendants by themselves, their agents, servants or any one claiming through it from in any manner infringing the plaintiff's registered Trade Mark "AROKYA" as described in the Schedule to the plaint by using the offending Trade Mark label "AROKYA" with the suffix "AQUA" as shown in annexure-1 or any other mark, label or device which is identical to or a colourable imitation of the plaintiff's registered Trade Mark "AROKYA";

ii) For permanent injunction restraining the defendants, by themselves their servants or agents or anyone claiming through them from in any manner passing off their products as that of the plaintiff by using the offending trademark and trademark label "AROKYA" or any other trademark which is identical or deceptively similar to the plaintiff's trademarks "AROKYA", either by manufacturing or selling or offering for sale or in any way advertising the same;

iii) Directing the defendants to surrender to the plaintiff, all the infringing goods, including the offending labels, stock of unused offending labels together with the blocks and dyes, name boards, sign-boards, stationery, promotional materials etc., for destruction;



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iv) Directing the Defendants to render true and faithful account of the profits earned by them using the offending trademark "AROKYA" and pay such profits to the plaintiff as damages;

v) Directing the defendants to pay to the plaintiff the cost of the suit.

For Plaintiff : Mr.N.Surya Senthil
for M/s.Surana & Surana
For Defendants : No appearance

JUDGMENT

Today when the matter was taken up for hearing, the learned Counsel for the plaintiff has submitted that on enquiry from the Market, the plaintiff has come to know that the defendant has closed the business and is no longer in the business and seeks leave of this Court to withdraw the suit and he has also made the following endorsement to that effect:

"Suit is withdrawn due to closing down of defendant's business".



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C.SARAVANAN, J.

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2. In view of the endorsement made by the learned Counsel for the plaintiff, this Civil Suit is dismissed as withdrawn. No costs. Consequently, connected Original Applications are closed.

23.02.2023

Index : Yes/No

Neutral Citation : Yes/No

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and

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