



C.S.No.1370 of 1995

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.07.2024

Coram:

THE HONOURABLE MR. JUSTICE P.VELMURUGAN

C.S.No.1370 of 1995

P.M.Palani Mudaliar and Co.,
36, Coral Merchant Street
Mannadi
Madras - 600 001

... Plaintiff

Vs.

Neelkanth Textiles
205 - A, R.A.Road
Pallipalayam
Erode - 638 006
Tamil Nadu

... Defendant

Prayer: The plaint is filed under Order VII Rule I of Civil Procedure Code and Order IV Rule 1 of O.S. Rules and Sections 27, 29 and 105 of the Trade and Merchandise Marks Act, 1958 read with Sections 51, 55 and 62 of the Copyright Act, 1957, praying to pass judgment and decree against the defendant on the following terms:



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a. Grant a perpetual order and injunction restraining the defendant by itself, its partners/proprietors, servants, agents, distributors, stockists, representatives or any of them from in any manner infringing plaintiff's Registered trade mark 144 LABEL by use of the Trade mark 144 LABEL or any mark similar to plaintiff's said registered Trade Marks;

b. Granting a perpetual order and injunction restraining the defendant by itself, its partners/proprietors, servants, agents, distributors, stockists, representatives or any of them from in any manner passing off and enable others to pass off the defendant's Bed sheets, Bed covers and Lungies as and for the plaintiff's Bed sheets, Bed covers and Lungies by use of the Trade Marks 144 LABEL or any trade mark deceptively similar to the plaintiff's Trade Marks 144 LABEL or in any other manner whatsoever;

c) Grant a perpetual order and injunction restraining the defendant by itself, its partners/proprietors, servants, agents, distributors, stockists, representatives or any of them from in any manner infringing plaintiff's Registered Copyright 144 LABEL by use of 144 LABEL or any other label which is a substantial reproduction of Plaintiff's Artistic work 144 LABEL.

d) A preliminary decree be passed in favour of the plaintiff directing the defendant to render account of



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profits made by use of Trade Mark 144 LABEL and Artistic Work 144 LABEL and final decree be passed in favour of the plaintiff for the amount of profits thus found to have been made by the defendant, after the latter have rendered accounts;

e. The defendant be ordered to surrender to the plaintiff for destruction, of all Lungies, Bed sheets, Bed covers, blocks, dies, screen prints, packing materials and other material bearing the Trade Mark 144 LABEL and Artistic work 144 LABEL or any mark deceptively similar to the plaintiff's Trade Mark 144 LABEL and Artistic work 144 LABEL;

f. The defendant be ordered and decreed to pay to the plaintiff a sum of Rs.1,10,000/- as damages for its wrongful and illegal activities and for the use of Trade Mark 144 LABEL and Artistic work 144 LABEL.

g. For costs of the suit.

For Plaintiff : Mr.Arun C. Mohan

For Defendant : No Appearance



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JUDGMENT

Today (08.07.2024), when the matter is taken up for hearing, the learned counsel for the plaintiff seeks permission of this Court to withdraw this Suit and he has also made an endorsement to that effect.

2. In view of the submission and endorsement made by the learned counsel for the plaintiff who is on record, this Suit is dismissed as withdrawn. No costs.

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Index : Yes / No

Speaking Order : Yes / No

Neutral Case Citation : Yes/No

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