



Civil Suit.No.563 of 1997

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 10.04.2024

CORAM

THE HONOURABLE Mr. JUSTICE P.VELMURUGAN

Civil Suit No. 563 of 1997

Eye Brand Pickle Co.,
a firm rep. by its Proprietor R.Selvaraj
2-8-40J, Theni Road
Usilampatti - 626 532.

.. Plaintiff

Vs.

1. Eye Pickle Co.,
a firm rep. by its Proprietor C.Pandi
Anumantha Nagar,
Pookkara Lane,
Dindigul.

2. V.Niraimathy
Chemicals and General Merchants
812, Cumbum Road,
Theni-626 531.

.. Defendants

Prayer:-

Civil Suit has been filed under Order IV, Rule 1 of O.S. Rules, read with Order VII Rule I of the Code of Civil Procedure read with Sections 27, 105 and 106 of the Trade and Merchandise Marks Act, 1958, praying

(i) for a permanent injunction restraining the defendants by



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themselves, their servants, agents or any other person or persons claiming through them from in any manner using the trading style Eye Pickle Co or the offending trade mark Kann and the device of an eye or any other deceptively similar trading style or trade mark in respect of pickles;

(ii) directing the defendants to surrender to the plaintiff the entire stock of unused offending labels together with blocks, dies, letter heads and stationery for destruction;

(iii) directing the defendants to render a true and faithful accounts of the profits earned by them through the sale of the pickles with the offending trade mark and directing the payment of such profits to the plaintiff by way of damages for passing off committed by the defendant;

(iv) grant such further or other reliefs as this Hon'ble Court may deem fit and proper in the circumstance of the case;

(v) directing the defendants to pay the plaintiff the costs of the suit;

For Plaintiff : Mr.P.Visweswaar
representing Mr.P.Suresh Kumar
For Defendants : D1 & D2 – set *ex-parte*

J U D G M E N T

Today, the Civil Suit is listed under the cause list caption 'FOR WITHDRAWAL' at the instance of learned counsel for the plaintiff.



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2. When the matter is taken up for hearing, the learned counsel for plaintiff sought permission of this Court to withdraw the present civil suit. In this regard, he has also filed a memo dated 10.04.2024.

3. Accordingly, this Civil Suit is dismissed as withdrawn. There shall be no order as to costs.

10.04.2024

ms
Index : Yes/No
Speaking / Non-speaking

To
The Sub-Assistant Registrar,
Original Side,
High Court, Madras.

P.VELMURUGAN, J.



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