



C.S. No.470 of 2000

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14.02.2024

CORAM:

THE HON'BLE MR. JUSTICE ABDUL QUDDHOSE

C.S. No.470 of 2000

Apex Laboratories Pvt Ltd,
No. 76. C.P Ramaswamy Road,
Alwarpet.
Chennai 600 018.

....

Plaintiff

vs

1. Satyan Remedies Pvt Ltd
D-47, Okhla Industrial Area,
Phase 1, New Delhi-20.

2. Ochoa Laboratories Pvt. Ltd.,
RZ-2716/29 Tuklagabaad Extension,
New Delhi 110 019
and also at HOE-406, Greater Kailash II
New Delhi 110 048.

3- M/s Torque Pharmaceuticals Private Limited
Corporate Office at C-83, Industrial Area, Phase 7,
Mohali,
Punjab - 160 055
Also of Kapital care
Old No.257/1,
New No.48/1, First Floor,
Sydenham's Road,
Apps Rao Gardens,
Choolai, Chennai – 600 112. ...

Defendants

PLAINT UNDER ORDER IV O.S. RULES AND UNDER ORDER VII



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RULE 1 CPC READ WITH SECTIONS 105 & 106 OF THE TRADE & MERCHANDISE MARKS ACT, 1958 praying for the following judgment and decree :-

a) granting a permanent injunction restraining the defendants abovenamed by themselves, their servants, agents or anyone claiming through them from in any manner infringing the Plaintiffs Registered Trade Mark ZINCOVIT by using the offending trade mark ZINCOA or any other mark or marks which are identical and similar to the plaintiff's registered trade mark ZINCOVIT

b) granting a permanent injunction restraining the defendants, their servants or agents or anyone claiming through them from in any manner passing off of their pharmaceutical products bearing the offending trade mark ZINCOA as and for the celebrated pharmaceutical products of the plaintiffs bearing the Registered Trade mark ZINCOVIT, either by manufacturing, selling or offering for sale or in any manner advertising the same.

c) Directing the defendants to surrender to the Plaintiffs the entire stock of unused offending cartons bearing the offending trade mark ZINCOA together with blocks and dyes for destruction.

d) directing the defendants to render a true and faithful account of the profits earned by the defendants through the sale of the pharmaceutical products sold under the offending trade mark ZINCOA and directing payment of such profits to the Plaintiffs for the passing off committed by the Defendants:

e) directing the Defendants to pay to the plaintiffs the costs of the suit and

f) pass such further or other orders as may be deemed fit and proper in the circumstances of the case

For Plaintiff : Mr.A.K.Rajaraman

For Defendants : Mr.A.A. Mohan for D1



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JUDGMENT

The learned counsel for the plaintiff seeks permission of this Court to withdraw this suit. He has made an endorsement to that effect in the Court bundle. Accordingly, the suit is dismissed as withdrawn. No costs.

14.02.2024

Index: Yes/ No
Speaking order / Non speaking order
Neutral citation : Yes / No
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ABDUL QUDDHOSE, J.



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