



Civil Suit (Comm.Div.) No.164 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 04.06.2024

CORAM

THE HONOURABLE Mr. JUSTICE P.VELMURUGAN

Civil Suit (Com.Div.) No. 164 of 2023

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

.. Plaintiff

Vs.

Hotel Vasantha Bhavan
No.4R25 + V2C, Idaiseval,
Tamil Nadu – 628 716.

.. Defendant

Prayer:-

Civil Suit has been filed under Order VII Rule I of the Code of Civil Procedure read with Order IV, Rule 1 of High Court Original Side Rules and Sections 134 and 135 of the Trade Marks Act, 1999, prays for judgment and decree :

a) granting a permanent injunction restraining the defendant, their men, servants, agents or anyone claiming through or under them from in



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any manner infringing the plaintiff Trade Mark and Trading style **"VASANTA BHAVAN"** by using the offending Trade Mark and Trading style **"HOTEL VASANTHA BHAVAN"** or any other mark or marks which are similar or in any way deceptively similar to or a colorable imitation of the plaintiff's 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 **"HOTEL VASANTHA BHAVAN"** or any other mark or marks which are similar or in any way deceptively similar to or a colorable imitation of the plaintiff's 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 **"HOTEL VASANTHA BHAVAN"** and directing payment of such profits to the plaintiff by way of damages for infringement committed by the defendant.



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d) directing the defendant to surrender to plaintiff the entire stock of unused offending goods with Trade Mark "**HOTEL 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.

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

For Plaintiff : Mr.Vijayan Subramanian

For Defendant : sole defendant set *ex-parte*
on 13.10.2023.

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.

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 and he has also made an endorsement to that effect.

3. In view of the submission and endorsement made by the learned



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counsel for the plaintiff, this Civil Suit is dismissed as withdrawn. There shall be no order as to costs.

04.06.2024

Index: Yes/No
Speaking Order : Yes/No
Neutral Citation Case : Yes/No
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To
The Sub-Assistant Registrar,
Original Side,
High Court, Madras.



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P.VELMURUGAN, J.

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