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IN THE HIGH COURT OF JUDICATURE AT MADRAS

(ORDINARY ORIGINAL CIVIL JURISDICTION)

THURSDAY, THE 5TH DAY OF AUGUST 2021

THE HON'BLE MR. JUSTICE R.SUBRAMANIAN

C.S.No.833 of 2000

C.S.No.833 of 2000:-

1. Scientific Compounds and
Processes Private Ltd.,
Citadel Building Office No.2,
117, Dr.Radha Krishnan Road,
Represented by its Director
Mr.G.Parimalazhagan

2. ECOF Detergents Private Ltd.,
28 B, Sardar Patel Road, Guindy,
Chennai 600 032.
Represented by its Business Manager
Mr.G.Parimalazhagan

... Plaintiffs

Versus

Hanuman Cottage Industry,
37/1, 2nd Main Road,
New Tharagupet,
Bangalore-52.

... Defendant

Civil Suit praying that this Hon'ble Court be pleased to grant a judgment and decree on the following terms:-

(a) A Permanent injunction restraining the Defendant, by itself, its partners / proprietors, heirs, legal representatives, successors-in-business, assigns, servants, agents, distributors, representatives or any of them from in any manner infringing the Plaintiff's registered trademark "SABENA" by



use of trademark "SUBEENA" or any mark which is similar to Plaintiff's trademark "SABENA" in respect of cleaning powder.

(b) a permanent injunction restraining the Defendant, by itself, its partners / proprietors, heirs, legal representatives, successors-in-business, assigns, servants, agents, distributors, representatives or any of them from passing off and enabling others to pass off the Defendant's cleaning powder as and for Plaintiff's cleaning powder by use of trademark "SUBEENA" and "SUBEENA" polythene pouch or any other mark and/or pouch which is identical or similar to Plaintiff's trademark "SABENA" and "SABENA" polythene pouch or in any other manner whatsoever;

(c) a permanent injunction restraining the Defendant, by itself, its partners / proprietors, heirs, legal representatives, successors-in-business, assigns, servants, agents, distributors, representatives or any of them from in any manner infringing the Plaintiff's artistic work "SABENA" polythene pouch by use of "SUBEENA" polythene pouch or any other pouch which is a substantial reproduction of Plaintiff's artistic work "SABENA" polythene pouch;

(d) the Defendant be ordered to surrender to plaintiff's for destruction all goods, products, polythene pouches, blocks, dyes, screen prints, brochures, labels, pamphlets, advertising materials and other materials bearing the trademark "SUBEENA" and artistic work



“SUBEENA” polythene pouch or any other trademark and/or artistic work which is identical or similar to Plaintiff's trademark “SABENA” and artistic work “SABENA” polythene pouch;

(e) a preliminary decree to be passed in favour of the Plaintiff's directing the Defendant to render account of profits made by use of trademark “SUBEENA” and artistic work of “SUBEENA” polythene pouch from the date of commitment of sale of goods and a final decree be passed in favour of the Plaintiff's for the amount of profits thus to have been made by the Defendant after the letter have rendered accounts.

(f) a decree for Rs.10,05,000/- as damages in favour of the Plaintiffs for the acts of infringement of trademark, infringement of Copyright and passing off committed by the Defendant.

(g) for costs of the suit.

This suit coming on this day before this court for hearing in the presence of Mr.Rahul M.Shankar for Mr.C.S.GopalaKrishnan, Advocates for the plaintiffs herein and Mr.K.Chandrasekar, Advocate for the defendant herein and upon reading the plaint filed herein and the learned counsel for the plaintiff having submitted that he has instructions to withdraw the suit, since the products of the defendant are no longer in the market, and this court doth recording the same,



it is ordered as follows:-

WEB COPY That the suit in C.S.No.833 of 2000 be and is hereby dismissed as withdrawn.

- 2) That the plaintiffs herein shall be at liberty to approach the court, if there is a future cause of action.
- 3) That there shall be no costs of this suit.

WITNESS, THE HON'BLE MR.JUSTICE SANJIB BANERJEE,
CHIEF JUSTICE, HIGH COURT OF MADRAS AFORESAID, THIS
DATED THE 5TH DAY OF AUGUST 2021.

Sd./-

ASSISTANT REGISTRAR (Comm.Cases)

//Certified to be true copy//

Dated at Madras this the day of 2021.

COURT OFFICER(O.S.)

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WEB CO VSP
19/08/2021

C.S.No.833 of 2000

ORDER

DATED :05/08/2021

THE HON'BLE MR.JUSTICE
R.SUBRAMANIAN

FOR APPROVAL:24/08/2021

APPROVED ON:24/08/2021



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.08.2021

CORAM:

THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN

C.S.No.833 of 2000

1. Scientific Compounds and
Processes Private Ltd.,
Citadel Building Office No.2,
117, Dr.Radha Krishnan Road,
Mylapore, Chennai – 600 004.
Represented by its Director,
Mr.G.Parimalazhagan

2. ECOF Detergents Private Ltd.,
28 B, Sardar Patel Road, Guindy,
Chennai – 600 032.
Represented by its Business Manager,
Mr.G.Parimalazhagan

...Plaintiffs

Vs.

Hanuman Cottage Industry,
37/1, 2nd Main Road,
New Tharagupet,
Bangalore – 52.Defendant

Prayer: Plaintiff filed under Order VII, Rule 1 of C.P.C., and Order IV Rule 1 of the Original Side rules r/w. Sections 27, 28, 29, 105 & 106 of the Trade and Merchandise Marks Act, 1958 and Sections 51, 55, 62 and 63 of the Copyright Act, 1957, praying as follows:-

a) a permanent injunction restraining the Defendant, by itself, its partners / proprietors, heirs, legal representatives, successors-in-business, assigns, servants, agents, distributors, representatives or any of them from in any manner infringing the Plaintiffs' registered trademark 'SABENA' by use



of trademark 'SUBEENA' or any mark which is similar to Plaintiffs' trademark 'SABENA' in respect of cleaning powder.

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b) a permanent injunction restraining the Defendant, by itself, its partners / proprietors, heirs, legal representatives, successors-in-business, assigns, servants, agents, distributors, representatives or any of them from passing off and enabling others to pass off the Defendant's cleaning powder as and for Plaintiffs' cleaning powder by use of trademark 'SUBEENA' and 'SUBEENA' polythene pouch or any other mark and / or pouch which is a identical or similar to Plaintiffs' trademark 'SABENA' and 'SABENA' polythene pouch or in any other manner whatsoever;

c) a permanent injunction restraining the Defendant, by itself, its partners / proprietors, heirs, legal representatives, successors-in-business, assigns, servants, agents, distributors, representatives or any of them from in any manner infringing the Plaintiffs' artistic work 'SABENA' polythene pouch by use of 'SUBEENA' polythene pouch or any other pouch which is a substantial reproduction of Plaintiffs' artistic work 'SABENA' polythene pouch;

d) the Defendant be ordered to surrender to Plaintiffs for destruction all goods, products, polythene pouches, blocks, dyes, screen prints, brochures, labels, pamphlets, advertising materials and other materials bearing the trademark 'SUBEENA' and artistic work 'SUBEENA' polythene pouch or any other trademark and / or artistic work which is identical or similar to Plaintiffs' trademark 'SABENA' and artistic work 'SABENA' polythene pouch;

e) a preliminary decree to be passed in favour of the Plaintiffs directing the Defendant to render account of profits made by use of trademark 'SUBEENA' and artistic work of 'SUBEENA' polythene pouch from the date of commitment of sale of goods and a final decree be passed



in favour of the Plaintiffs for the amount of profits thus to have been made by the Defendant after the letter have rendered accounts.

WEB COPY f) a decree for Rs.10,05,000/- as damages in favour of the Plaintiffs for the acts of infringement of trademark, infringement of Copyright and passing off committed by the Defendant.

g) for the costs of the suit.

For Plaintiffs : Mr.Rahul M Shankar for
Mr.C.S.Gopalakrishnan

For Defendant : Mr.K.Chandrasekar

JUDGMENT

Mr.Rahul M Shankar, learned counsel appearing for the plaintiff would submit that he has instructions to withdraw the suit, since the products of the defendant are no longer in the market.

2.Recording the said statement, this suit is dismissed as withdrawn. No costs. Liberty is reserved to the plaintiffs to approach the Court, if there is a future cause of action.

Sd./-R.S.M.J
05.08.2021

//Certified to be true copy//
Dated at Madras this the day of 2021.

COURT OFFICER(O.S.)

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