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C.S. (Comm.Div.) No.160 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.02.2024

CORAM

THE HON'BLE MR. JUSTICE ABDUL QUDDHOSE

C.S. (Comm.Div.) No.160 of 2023

1.A.D.Padmasingh Isaac

2.M/s.Aachi Masala Foods Private Limited,

Represented by its Director

3.M/s.Flora Foods,

Represented by its Partner Thelma Isaac

.. Plaintiffs

-VS-

1.Karaikudi Aachi Biriyani Mandi,

Tamil Nadu.

2.Zomato Limited,

Chennai – 600 003.

3.Swiggy India,Chennai – 600 034.

.. Defendants

Plaint filed under Order IV, Rule 1 of the Original Side Rules and Order VII, Rule 1 of the C.P.C. read with Sections 27(2), 29, 134 and 135 of the Trademarks Act, 1999 prays for a judgment and decree for

a)granting a permanent injunction, restraining the first defendant, by himself, his servants, agents, distributors or anyone claiming through him from manufacturing, selling, advertising and offering for sale or providing services using the name 'KARAIKUDI AACHI BRIYANI MANDI' or any other similar Trade Mark name or similar sounding expression in any media,



websites, online trade, mobile applications and use the same in name board, invoices, letter heads and visiting cards or by using any other trade mark/ name which is in any way visually or deceptively or phonetically similar to the first plaintiff's trade mark/name AACHI/AACHI CHETTINAD RESTAURANT/AACHI KITCHEN/AACHI NAMMA KITCHEN/AACHI BHAVAN and use the same in pouches, packets or use the mark in invoices, letter heads, visiting cards, websites, online trade, mobile applications and internet advertising or part of their restaurant name any other trade literature or Menu card by using any other trade mark which is in any way visually or phonetically similar to the plaintiffs' registered Trade Mark Nos.838786, 1116254, 1479159, 1715718, 2965624, 5275581, 5274680 & 5446987 or in any manner infringing the first plaintiff's registered Trade Marks referred herein;

b)granting a permanent injunction restraining the firstdefendant by itself, its agents or servants or anyone claiming through or under him any business marketing, selling advertising using in trade literature, menu cards, invoices, name boards, websites, online trade, mobile applications, Internet advertisements the mark/name 'KARAIKUDI AACHI BRIYANI MANDI' in relation to the Restaurant or with respect to or any other food preparation or on any other business the impugned trademark/name which is in any manner deceptively or phonetically confusingly similar to the plaintiffs Trade Mark/name AACHI/AACHI CHETTINAD RESTAURANT/AACHI KITCHEN/AACHI NAMMA KITCHEN/AACHI BHAVAN or in any other manner pass off their hotel, business or goods as and for that of the plaintiffs;



c)mandatory injunction directing the second and thirddefendants to remove or take down the name and details of the first defendant in the following impugned links:

<https://www.zomato.com/chennai/karaikudi-aachi-briyani-mandi-anna-nagar-west>

<https://www.swiggy.com/restaurants/karaikudi-aachi-briyani-mandi-mogappair-anna-nagar-west-extension-chennai-353063>,
from the local searches of the 2nd & 3rd defendants' online databases, web and mobile application reflecting the infringing name 'KARAIKUDI AACHI BRIYANI MANDI' in relation to the Restaurant services or with respect to any other food preparation or on any othersimilar business or providing information, menus and user reviews pertaining to such Restaurant services or with respect to any other food preparation or on any other similar business in any manner so as to cause confusion to the public with respect to the Plaintiffs' Trade Mark/name AACHI/AACHI CHETTINAD RESTAURANT/AACHI KITCHEN/AACHI NAMMA KITCHEN/AACHI BHAVAN;

d)directing the Defendants to surrender to the Plaintiffs all the packing material, cartons, advertisement materials and hoardings, letter-heads, visiting cards, office stationery and all other materials containing/ bearing the name 'KARAIKUDI AACHI BRIYANI MANDI' or other identical trade mark used in the pouches and packets bearing the word AACHI/AACHI CHETTINAD RESTAURANT/AACHI KITCHEN/AACHI NAMMA KITCHEN/AACHI BHAVAN;



e)directing the Defendants to render an account of profits made by them by the use of the impugned trademark 'KARAIKUDI AACHI BRIYANI MANDI' on the service referred and decree the suit for the profits found to have been made by the Defendants, after the Defendants has rendered accounts;

f)directing the Defendants to pay to the plaintiffs the costs of the suit.

For Plaintiffs : Mr.C.Daniel

For Defendants : No appearance

JUDGMENT

This suit has been filed for infringement and passing off.

2.The following reliefs have been sought for by the plaintiffs against the defendants in this suit:

a)a permanent injunction, restraining the first defendant, by himself, his servants, agents, distributors or anyone claiming through him from manufacturing, selling, advertising and offering for sale or providing services using the name 'KARAIKUDI AACHI BRIYANI MANDI' or any other similar Trade Mark name or similar sounding expression in any media, websites, online trade, mobile applications and use the same in name board,



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invoices, letter heads and visiting cards or by using any other trade mark/ name which is in any way visually or deceptively or phonetically similar to the first plaintiff's trade mark/name AACHI/AACHI CHETTINAD RESTAURANT/AACHI KITCHEN/AACHI NAMMA KITCHEN/AACHI BHAVAN and use the same in pouches, packets or use the mark in invoices, letter heads, visiting cards, websites, online trade, mobile applications and internet advertising or part of their restaurant name any other trade literature or Menu card by using any other trade mark which is in any way visually or phonetically similar to the plaintiffs' registered Trade Mark Nos.838786, 1116254, 1479159, 1715718, 2965624, 5275581, 5274680 & 5446987 or in any manner infringing the first plaintiff's registered Trade Marks referred herein;

b) a permanent injunction restraining the first defendant by itself, its agents or servants or anyone claiming through or under him any business marketing, selling advertising using in trade literature, menu cards, invoices, name boards, websites, online trade, mobile applications, Internet advertisements the mark/name 'KARAIKUDI AACHI BRIYANI MANDI' in relation to the Restaurant or with respect to or any other food preparation or on any other business the impugned trademark/name which is in any



manner deceptively or phonetically confusingly similar to the plaintiffs

Trade Mark/name AACHI/AACHI CHETTINAD RESTAURANT/AACHI KITCHEN/AACHI NAMMA KITCHEN/AACHI BHAVAN or in any other manner pass off their hotel, business or goods as and for that of the plaintiffs;

c)mandatory injunction directing the second and third defendants to remove or take down the name and details of the first defendant in the following impugned links:

<https://www.zomato.com/chennai/karaikudi-aachi-briyani-mandi-anna-nagar-west>

<https://www.swiggy.com/restaurants/karaikudi-aachi-briyani-mandi-mogappair-anna-nagar-west-extension-chennai-353063>,

from the local searches of the 2nd & 3rd defendants' online databases, web and mobile application reflecting the infringing name 'KARAIKUDI AACHI BRIYANI MANDI' in relation to the Restaurant services or with respect to any other food preparation or on any othersimilar business or providing information, menus and user reviews pertaining to such Restaurant services or with respect to any other food preparation or on any other similar business in any manner so as to cause confusion to the public



with respect to the Plaintiffs' Trade Mark/name AACHI/AACHI CHETTINAD RESTAURANT/AACHI KITCHEN/AACHI NAMMA KITCHEN/AACHI BHAVAN;

d)directing the Defendants to surrender to the Plaintiffs all the packing material, cartons, advertisement materials and hoardings, letter-heads, visiting cards, office stationery and all other materials containing/bearing the name 'KARAIKUDI AACHI BRIYANI MANDI' or other identical trade mark used in the pouches and packets bearing the word AACHI/AACHI CHETTINAD RESTAURANT/AACHI KITCHEN/AACHI NAMMA KITCHEN/AACHI BHAVAN;

e)directing the Defendants to render an account of profits made by them by the use of the impugned trademark 'KARAIKUDI AACHI BRIYANI MANDI' on the service referred and decree the suit for the profits found to have been made by the Defendants, after the Defendants has rendered accounts:

f)directing the Defendants to pay to the Plaintiffs the costs of the suit.

3.Learned counsel for the plaintiffs, at the outset, would submit, on instructions that the plaintiffs are not pressing the reliefs (d) and (e) sought for in the plaint. The said statement is recorded.



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4.The first plaintiff is the proprietor of the trademark 'AACHI'. He continues to use the trademark 'AACHI' through his licensees 'AACHI' Spices and Foods Private Limited and the second plaintiff. The third plaintiff is the licensee of the 1st plaintiff's registered trademark 'AACHI NAMMA KITCHEN'. Earlier, the plaintiffs had filed a suit in C.S. No.177 of 2022 against the very same defendants in respect of the very same cause of action. Since the plaintiffs did not go for pre-suit Mediation as per the provisions of Section 12-A of the Commercial Courts Act, 2015, this Court had returned the plaint filed in C.S. No.177 of 2022 to enable the plaintiffs to go for pre-suit Mediation in accordance with the provisions of Section 12-A of the Commercial Courts Act, 2015. Despite the same, the defendants failed to make their appearance in the pre-suit meditation, which constrained the plaintiffs to file the present suit on the very same cause of action.

5.According to the plaintiffs, this suit has been filed to protect the plaintiffs' right in respect of their trademark 'AACHI', which is synonymous with a variety of spices, condiments, food products and ready



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to eat preparations, marketed under the name. According to the plaintiffs, the Trademark 'AACHI' has created for itself an indelible mark in the market with respect to food preparations. It is also contended by the plaintiffs that their Trademark 'AACHI' also stands for a quality preparation that always carries with itself a unique blend of spices to create the unique South Indian taste and flavour. According to the plaintiffs, the Trademark 'AACHI' has now become a common household name. They claim that they are presently dealing through 525 different products with the Trademark 'AACHI'. According to the plaintiffs, the trademark 'AACHI' was first conceived and adopted by the first plaintiff through his proprietary concern Abhishek Enterprises and the business, which commenced in 1995, had a humble beginning marketing in the variety of spices under the Trademark 'AACHI'.

6. According to the plaintiffs, the hallmark of their products was the 'KULAMBU CHILLY POWDER' and that they have also diversified their business activities and started manufacturing and marketing various kinds of consumer goods, within a short span of 27 years. They have claimed that they have put in enormous effort, hard work and money towards advertising



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their products 'AACHI' in all forms of media, such as Radio, Newspapers, Hoardings, Magazines and Television Networks. The plaintiffs have also claimed that they have received many prestigious awards for the quality of products and customer service. The trademark 'AACHI' was first applied for and registered in the name of the first plaintiff as 'Naveen Products' in the year 1999. According to the plaintiffs, since then 263 applications have been filed for the trademark 'AACHI' in respect of various goods that have been manufactured and marketed by 'AACHI Group of Companies'. According to the plaintiffs, at present, there are 238 registrations of the trademark 'AACHI' in various word, label and stylised marks. According to the plaintiffs, the first plaintiff has secured statutory protection of the mark 'AACHI' in other jurisdictions as well. The first plaintiff has also obtained registration in various countries around the globe. The first plaintiff has also acquired International Registration (WIPO) under Madrid Protocol for the trademark 'AACHI' (word) with respect to Registered Nos.1437301 and 1544795 under Classes 29, 30 and 43 in 107 Designated Countries.

7.The plaintiffs have made averments in the plaint disclosing their sales turnover as well as the advertisement costs incurred by them for



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promoting their products under the trademark 'AACHI', which will disclose that the sales turnover is huge and the advertisement costs incurred by them for promotion of their products is also huge. According to the plaintiffs, by virtue of the efforts undertaken by them, the mark 'AACHI' has become synonymous with the goods produced by them and none else. According to the plaintiffs, they came across the defendants' hotel under the name 'KARAIKUDI AACHI BRIYANI MANDI', which is a blatant infringement of the plaintiffs' registered trademarks AACHI/AACHI CHETTINAD RESTAURANT/AACHI KITCHEN/AACHI NAMMA KITCHEN/AACHI BHAVAN and the defendants, with a malafide intention, have blatantly copied the plaintiffs' trademark to reap undue benefits for their business. The plaintiffs contend that the defendants' service is inferior in quality and substandard and that the defendants' mark is visually and phonetically similar to that of the plaintiffs' registered trademark.

8.The plaintiffs claim that they have suffered irreparable loss and hardship on account of the infringement and passing off committed by the defendants. It is also contended that the general public of average intelligence with imperfect recollection will undoubtedly mistake the defendants' restaurant to be an undertaking of the plaintiffs. In such



circumstances, the suit has been filed for infringement and passing off.

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9. The defendants have already been set aside by this Court and till date, no application has been filed to set aside the set aside order. The set aside evidence has already been recorded by the learned Additional Master IV. The plaintiffs' General Manager B. Gnanasambandam was examined as their witness PW1. He has also filed proof affidavit reiterating the plaintiff averments. Through PW1, the following documents were marked as exhibits on the side of the plaintiffs:

Ex.P1 is the original authorization letter dated 21.11.2023.

Ex.P2 is the original board resolution dated 25.07.2022.

Ex.P3 is the printout of the list of products manufactured and marketed by the plaintiffs bearing the trademark 'AACHI'.

Ex.P4 is the photocopy of the certificate of incorporation of Aachi Masala Foods P. Ltd. dated 30.06.2006.

Ex.P5 is the photocopy of the certificate of commercial tax registrar's of Aachi Masala and Foods (P) Ltd. dated 10.07.2006.

Ex.P6 is the photocopy of the dissolution deed between Mrs. Rani Pandian and Mr. A.D. Padmasingh Isaac dissolving the partnership firm, Naveen Products dated 31.03.2007.

Ex.P7 (Series) (2 Nos) are the photocopy of the certificates of commercial tax registration and central sales tax of Aachi Spices & Foods dated 28.12.2006 and 03.01.2007.

Ex.P8 is the photocopy of the trade mark license user agreement between Mr. A.D. Padmasingh Isaac trading as Aachi Spices and Foods and Aachi Masala Foods Pvt. Ltd. dated 01.04.2007.

Ex.P9 is the photocopy of the Memorandum of Association of Aachi Spices



and Foods P. Ltd. Dated 06.03.2010.

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Ex.P10 is the photocopy of the Certificate of incorporation of Aachi Spices and Foods P Ltd. Dated 17.03.2010.

Ex.P11 is the photocopy of the Trade Mark License User Agreement between Mr. A.D.Padmasingh Isaac and Aachi Spices and Foods Pvt Ltd dated 21.04.2010.

Ex.P12 is the photocopy of the Trade Mark License user Agreement between Mr. A.D. Padmasingh Isaac and Aachi Masala Foods P Ltd dated 21.04.2010.

Ex.P13 is the photocopy of the Trademark License user Agreement between Mr. A.D. Padmasingh Isaac and Aachi Masala Foods P Ltd dated 04.03.2020.

Ex.P14 is the photocopy of the Trademark License user Agreement between Mr. A. D. Padmasingh Isaac and Aachi Spices and Foods Pvt Ltd. dated 04.03.2020.

Ex.P15 is the certified copy of the Plaintiffs Advertisement in RITZ Magazine.

Ex. P16 is the photocopy of the Registration Certificates of the mark AACHI in various countries around the world.

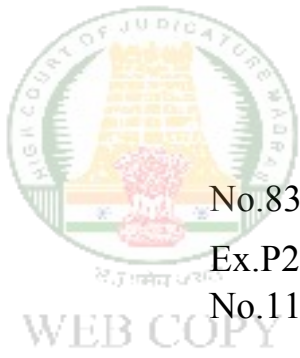
Ex.P17 is the photocopy of the Madrid Protocol Registration in classes 29, 30, 43 with respect to the Trademark AACHI (Word) & (Device) designating 107 & 117 countries valid and subsisting as on date.

Ex.P18 is the photocopy of the Sample Sales Invoices for the years 2000-2022.

Ex.P19 is the photocopy of the Sample Advertisement Invoices and Expenses for the years 1999-2020.

Ex.P20 is the certified copy of the Chartered Accountant certificates dated 02.03.2017.

Ex.P21 is the photocopy of the Legal use certificate of Trade Mark



No.838786 in Class 30, dated 29.01.1999.

Ex.P22 is the photocopy of the Legal use certificate of Trade Mark No.1116254 in Class 30, dated 22.07.2022.

Ex.P23 is the photocopy of the Legal use certificate of Trade Mark No.1715718 in Class 43, dated 30.07.2008.

Ex.P24 is the photocopy of the Legal use certificate of Trade Mark No. 2965624 in Class 43, dated 18.05.2015.

Ex.P25 is the photocopy of the Legal use certificate of Trade Mark No.1479159 in Class 30, dated 17.08.2006.

Ex.P26 is the photocopy of the Legal use certificate of Trade Mark No. 5275581 in Class 43, dated 06.01.2022.

Ex.P27 is the photocopy of the Legal use certificate of Trade Mark No.5274680 in Class 43, dated 06.01.2022.

Ex.P28 is the photocopy of the Legal use certificate of Trade Mark No. 5446987 in Class 43, dated 13.05.2022.

Ex.P29 is the printout of the Photograph of Aachi Namma Kitchen's name board (65B Affidavit).

Ex.P30 is the original Aachi Namma Kitchen's menu card.

Ex.P31 is the printout of the Order passed by Trademark Trial and Appellate Board, United States Patent and Trademark office dated 13.09.2016.

Ex.P32 is the printout of the Order passed by the Australian Trademark Office in an Opposition filed by the first Plaintiff dated 04.06.2021.

Ex.P33 is the photocopy of the Partnership Deed of the third plaintiff dated 30.09.2021. required.

Ex.P34 is the photocopy of the Trade Mark License user Agreement between Mr. A.D.Padmasingh Isaac, Aachi Spices and Foods and Flora Foods dated 01.11.2021.

Ex.P35 is the printout of the Invoice receipts for Aachi Namma Kitchen for the year 2022 along with 65B affidavit.

Ex.P36 is the printout of the Photograph of the first Defendant's name



Board.

Ex.P37 is the printout of the 1st defendant's Restaurant name as reflected in the online platform of the 2nd Defendant.

Ex.P38 is the printout of the 1st Defendant's Restaurant name as reflected in the online platform of the 3rd Defendant.

Ex.P39 is the printout of the Common Judgment in C.S. (Comm. Div.) No.192-195, 177, 183, 186 of 2022 dated 23.11.2022.

Ex.P40 is the office copy of the Cease & Desist Notice sent to the 1st Defendant with Postal Receipt and Returned cover.

Ex.P41 is the office copy of the Cease & Desist Notice sent to the 2nd Defendant with Postal Receipt and online Track consignment and Returned cover.

Ex.P42 is the office copy of the Cease & Desist Notice sent to the 3rd defendant with postal receipt and online track consignment.

10.As seen from the aforesaid exhibits, it is clear that the plaintiffs have been carrying on restaurant business by using the word mark 'AACHI' ever since 1995 and have been using the said mark for its restaurant business since 2014. As seen from the exhibits marked on the side of the plaintiffs, they have obtained registrations for the trademark 'AACHI' in 117 countries word wide under Classes 29, 30 and 43, which pertain to restaurants also. They have also issued a Cease and Desist Notice prior to the filing of the suit on 10.01.2023, which have been marked as Exs.P40 to P42. Despite receipt of the same, the defendants have neither responded to



the same nor have they stopped using the registered trademark of the plaintiffs. Earlier, the plaintiffs had filed a suit on the very same cause of action in C.S. No.172 of 2022. Since the pre-suit mediation as per Section 12-A of the Commercial Courts Act was not complied with, this Court had returned the plaint to enable the plaintiffs to initiate pre-suit mediation. In accordance with the orders passed by this Court, the plaintiffs have initiated pre-suit mediation. However, despite the efforts of the plaintiffs, the defendants have not participated in the pre-suit mediation, which has constrained the plaintiffs to file this suit once again against the defendants on the very same cause of action. In this suit as well, the defendants have been remained exparte.

11.Learned counsel for the plaintiffs contends that the second and third defendants are the online portals, which are being used for promoting the products of the first defendant by using the plaintiffs' registered Trademark 'AACHI'. Though the defendants have not been running the restaurant at the address of their showroom presently, which is disclosed in the cause title, the defendants 2 and 3 are selling the food items manufactured by the first defendant by using the plaintiffs' trademark in



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their online portal. To substantiate their claim, they have filed documents, which have been marked as documents Exs.P36 to P38. As seen from the same, the defendants have closed down their restaurant at the address disclosed in the plaint. Further they are continuing to sell the food items manufactured by them through the online portal of the defendants 2 and 3. The term 'KARAIKUDI AACHI BRIYANI MANDI' is visually and structurally similar to that of the plaintiffs' registered trademark 'AACHI'. Any person of average intelligence will be confused as to whether the defendants' name 'KARAIKUDI AACHI BRIYANI MANDI' belongs to the plaintiffs. The plaintiffs also categorically contend in the plaint that the product sold by the defendants are inferior and substandard. There is no contra evidence available on record, produced by the defendants.

12.While that be so, this Court, based on the pleadings and the documents filed by the plaintiffs, which have been marked as Exhibits, will have to believe the statements made by the plaintiffs. Admittedly, the plaintiffs having obtained the trademark registrations for their trademark 'AACHI' not only in India, but also all over the World and they have obtained registration in 117 countries world wide. They have acquired



distinct identity for their trademark 'AACHI'.

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13. After giving due consideration to the aforementioned factors and after giving due consideration to the averments contained in the plaint as well as the documents, which have been marked as exhibits on the side of the plaintiffs and the oral evidence let in by the plaintiffs' witness (PW1), this Court is of the considered view that the suit claim insofar as the prayer (a) to (c) has been proved by the plaintiffs.

14. Since the learned counsel for the plaintiffs is not pressing for the reliefs (d) and (e) made in the plaint, this Court will have to dismiss the suit as not pressed insofar as the reliefs (d) and (e) in the plaint are concerned. Since the defendants have infringed and committed an act of passing off, costs will have to be imposed on the defendants in the suit.

15. For the foregoing reasons, this suit is partly decreed by granting the following reliefs in favour of the plaintiffs against the defendants:

a) A judgment and decree for permanent injunction, restraining the first defendant, by himself, his servants, agents, distributors or anyone



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claiming through him from manufacturing, selling, advertising and offering for sale or providing services using the name 'KARAIKUDI AACHI BRIYANI MANDI' or any other similar Trade Mark name or similar sounding expression in any media, websites, online trade, mobile applications and use the same in name board, invoices, letter heads and visiting cards or by using any other trade mark/name which is in any way visually or deceptively or phonetically similar to the first plaintiff's trade mark/name AACHI/AACHI CHETTINAD RESTAURANT/AACHI KITCHEN/AACHI NAMMA KITCHEN/AACHI BHAVAN and use the same in pouches, packets or use the mark in invoices, letter heads, visiting cards, websites, online trade, mobile applications and internet advertising or part of their restaurant name any other trade literature or Menu card by using any other trade mark which is in any way visually or phonetically similar to the plaintiffs' registered Trade Mark Nos.838786, 1116254, 1479159, 1715718, 2965624, 5275581, 5274680 & 5446987 or in any manner infringing the first plaintiff's registered Trade Marks referred herein;

b)A judgment and decree for permanent injunction restraining the firstdefendant by itself, its agents or servants or anyone claiming through or under him any business marketing, selling advertising using in trade



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literature, menu cards, invoices, name boards, websites, online trade, mobile applications, Internet advertisements the mark/name 'KARAIKUDI AACHI BRIYANI MANDI' in relation to the Restaurant or with respect to or any other food preparation or on any other business the impugned trademark/ name which is in any manner deceptively or phonetically confusingly similar to the plaintiffs Trade Mark/name AACHI/AACHI CHETTINAD RESTAURANT/AACHI KITCHEN/AACHI NAMMA KITCHEN/AACHI BHAVAN or in any other manner pass off their hotel, business or goods as and for that of the plaintiffs;

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from the local searches of the 2nd & 3rd defendants' online databases, web and mobile application reflecting the infringing name 'KARAIKUDI AACHI BRIYANI MANDI' in relation to the Restaurant services or with



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respect to any other food preparation or on any othersimilar business or providing information, menus and user reviews pertaining to such Restaurant services or with respect to any other food preparation or on any other similar business in any manner so as to cause confusion to the public with respect to the Plaintiffs' Trade Mark/name AACHI/AACHI CHETTINAD RESTAURANT/AACHI KITCHEN/AACHI NAMMA KITCHEN/AACHI BHAVAN.

16.The defendants are directed to pay the costs of the suit to the plaintiffs.

17.Insofar as the prayer (d) and (e) sought for in the plaint are concerned, this suit is dismissed as not pressed.

07.02.2024

vga



List of Witness examined on the side of the Plaintiffs:-
Mr.B.Gnanasambandam (PW1)

List of Exhibits marked on the side of the Plaintiffs:-

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Ex.P35 is the printout of the Invoice receipts for Aachi Namma Kitchen for the year 2022 along with 65B affidavit.

Ex.P36 is the printout of the Photograph of the first Defendant's name Board.

Ex.P37 is the printout of the 1st defendant's Restaurant name as reflected in the online platform of the 2nd Defendant.

Ex.P38 is the printout of the 1st Defendant's Restaurant name as reflected in the online platform of the 3rd Defendant.

Ex.P39 is the printout of the Common Judgment in C.S. (Comm. Div.) No.192-195, 177, 183, 186 of 2022 dated 23.11.2022.

Ex.P40 is the office copy of the Cease & Desist Notice sent to the 1st Defendant with Postal Receipt and Returned cover.

Ex.P41 is the office copy of the Cease & Desist Notice sent to the 2nd Defendant with Postal Receipt and online Track consignment and Returned cover.



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Ex.P42 is the office copy of the Cease & Desist Notice sent to the 3rd defendant with postal receipt and online track consignment.

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C.S. (Comm.Div.) No.160 of 2023

ABDUL QUDDHOSE, J.

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07.02.2024