

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :08.06.2015

CORAM

THE HONOURABLE MRS. JUSTICE **S.VIMALA**

C.S.No.27 of 2002

M/s.Sukhsagar Enterprises
No.72-78, V Main
Gandhinagar
Bangalore 560 009

... Plaintiff

Vs.

M/s.Hotel Sukhsagar
144, Walltax Road
Chennai 600 003

... Defendant

PRAYER: Plaint under Order VII Rule 1 of C.P.C. and Section 105 and 106 of Trade and Merchandise Marks Act, 1958, praying for the following relief:

(a) Permanent injunction restraining the defendant, his men and servants by themselves or anyone claiming through them from in any manner infringing the plaintiff's well-established trade-mark "SUKH SAGAR" , registered under the Trade Mark Nos.465792, 465795, 4657932, 465794 in class Nos.29,30,31 and 32 or any other trade-marks which were in any way deceptively similar to the plaintiff's trade-mark and trading style in respect of preparation of food items by using the offending trade-mark "Hotel Sukh Sagar"

(b) granting permanent injunction restraining the defendant from passing-off their business of vegetarian restaurant, as the business of the plaintiff.

S.VIMALA, J
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(c.) directing the defendant to surrender to the plaintiff for destruction the defendant's Menu Cards, labels, bills, carry-bags, negative and positive transparents and blocks bearing trade-mark "Hotel Sukh Sagar";

(d)directing the defendant to render honest and faithful true account of the profit that the defendant has derived by promoting the Hotel Restaurant by using the offending trade-mark and trade name.

(e) directing the defendant to pay to the plaintiff cost of the suit.

For Plaintiff	:	Mr.Sathya Rao
For Defendants	:	No appearance

JUDGMENT

Today when the matter is taken up for hearing, the learned counsel appearing for the plaintiff has reported no instructions from the plaintiff.

2. In view of the same, this suit is dismissed. No costs.

08.06.2015

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