

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.07.2016

CORAM

THE HONOURABLE MR.JUSTICE K.RAVICHANDRABAABU

Contempt Petition No.2520 of 2015

M/s. Thalappakkatti Hotels Private Ltd.
represented by its Managing Director
D.Nagasamy
having its head office at No.5/10-73E,
Seven Wells Street,
St.Thomas Mount,
Chennai - 600 016. Petitioner

vs.

Chennai Thalapakattu Biriyani
represented by Jagan
Having his restaurant at No.58
Doovipuram, 5th Street,
Thoothukudi-2 Respondent

Contempt Petition filed under Section 11 of the
Contempt of Court Act to punish the respondent for the
disobedience of the order passed by this Court in
O.A.No.473 of 2015 in C.S.No.356 of 2015 dated 05.08.2015

For Petitioner : Mr.A.Jenasenan
For Respondent : Ms.R.Mahalakshmi

O R D E R

This Contempt Petition is filed complaining that the
order passed by this Court in O.A.No.473 of 2015 in
C.S.No.356 of 2015 dated 05.08.2015 has been violated.

2. This Court, by the said order restrained the

respondent/defendant herein from in any manner infringing the applicant's Trade Mark and Trading style "Thalappakkatti Biriyani Hotel" by using the offending Trade Mark and Trading style "Thalapakattu" or any other mark or marks which are similar or in any way deceptively similar to or a colourable imitation of the applicant's Trade Mark "Thalappakatti Biriyani Hotel". After notice in this Contempt Petition, the respondent filed a counter affidavit dated 29.04.2016 wherein it is stated at paragraph No.3 as follows:

"3. The respondent submits that he agrees with the averments made in Para 11-12. But the respondent vehemently denies the averments and allegations made in Para 13 and 14. The petitioner has submitted that the respondent had not complied the order of the Honourable High Court, Chennai which is totally false and denied. The respondent had changed Trade Mark and Trade name which was mentioned by the petitioner as infringement of Trademark and Trading Style of "Thalapakatti Briyani Hotel" and now he is running his hotel in the name and style of "Thangakatti" which is in no way infringement of Trademark and Trading Style of "Thalapakatti Briyani Hotel".

3. Learned counsel for the Contempt Petitioner

submitted that in view of the counter filed by the
<https://hcservices.ecourts.gov.in/hcservices/>

respondent stating that they have changed the trade name as

set out in paragraph No.3, the contempt petition may be closed by recording the above said statement made by the respondent.

4. Considering the nature of allegation made in the Contempt Petition and considering the interim order passed by this Court and also considering the averment made by the respondent in the counter affidavit as extracted supra, I find that nothing survives to be adjudicated upon further in this Contempt Petition. Accordingly, by recording the above statement made by the respondent, this Contempt petition is closed. No costs.

SD/
JOINT REGISTRAR(OS)

//Certified to be true copy//

Dated at Madras this the day of 2016.

COURT OFFICER(O.S.)
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CO/15/07/2016

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