

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(ORDINARY ORIGINAL CIVIL JURISDICTION)

MONDAY, THE 11TH DAY OF JULY 2016

THE HON'BLE MR. JUSTICE M.M.SUNDRESH

O.A.Nos.505 and 506 of 2016

in

C.S. No.370 of 2016

Shyam Enterprises Private Limited

1, Cathedral Road,

Chennai - 600 086

Rep.by its Director

Mr.A.Ravikumar Reddy

... Applicant/Plaintiff
(in both original applications)

Vs

A3R Amaravati

#601, 1st Main, C Block,

ACES Layout, Kundanahill,

Bangalore - 560037.

... Respondent/Defendant
(in both original applications)

O.A.No.505 of 2016:

Original Application praying that this Hon'ble Court be pleased to grant a interim injunction restraining the respondent, its directors/partners/proprietor as the case may be, successors in business, assigns, heirs, servants, agents, representatives and all other persons claiming under them and through them from in any manner providing services displaying advertising in all form of media and through internet under the trade name / trading style A3R AMARAVATI in respect of hotel and hospitality service or

other allied and cognate service / goods amounting to infringement of the applicants registered trademark AMARAVATHI or as being in some way connected with the applicant and /or in any manner whatsoever pending disposal of the suit.

O.A.No.506 of 2016:

Original Application praying that this Hon'ble Court be pleased to grant a interim injunction restraining the respondent themselves its directors / partners / proprietor as the case may be successors in business assigns, heirs, servants, agents, representatives and all other persons claiming under them and through them from in any manner providing services displaying advertising in all form of media and through internet under the trade name / trading style A3R AMARAVATI in respect of hotel and hospitality service or other allied and cognate service / goods amounting to passing off their services / goods as and for the goods and services of the applicant or as being in some way connected with the applicant and / or in any manner whatsoever pending disposal of the suit.

These Original Applications coming on this day before this court for hearing Court made the following order:

The applicant herein is the plaintiff in the suit. The suit has been filed for permanent injunction and also for damages with a preliminary decree.

2. The learned counsel appearing for the applicant submits that the respondent is infringing and passing off the applicant's registered trade mark. Therefore, seeking prohibitory interim injunction, these two applications have been filed.

3. Despite notice having been served on the respondent and its name having been printed in the cause list, none appears for the respondent.

4. Considering the submission made by the learned counsel for the applicant, particularly, taking note of the registered trade mark available with the applicant, there shall be an order of interim injunction as prayed for.

5. Accordingly, both the applications are allowed. However, liberty is given to the respondent to file an application to set aside the said order, if it so desires.

sd/.M.M.S.J

11.07.2016

//Certified to be a true copy//
Dated this the day of 2016.

S.s/09.08.2016

COURT OFFICER

From 25.09.2008 the Registry is issuing certified copies of the Order/Judgment Decree in this format.