

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.07.2019

CORAM

THE HONOURABLE **MR.JUSTICE KRISHNAN RAMASAMY**C.S.No.125 of 2019
&O. A.No.139 of 2019M/s.Sangeetha Caterers and Consultants LLP
rep.by its Designated Partners

1.Mr.P.Rajagopal

2.Mr.P.Suresh

...Plaintiff

Vs.

M/s.Hotel Sai Sangeetha's
rep.by its Partner: S.Subbarayan
Kottaikadu E.C.R.Road,
Kancheepuram District,
PIN CODE 603304.

...Defendant

This Civil Suit is preferred under Order IV Rule 1 of O.S.Rules and Order VII Rule 1 CPC read with Section 27, 134 and 135 of the Trademarks Act 1999 & Proviso 1 of Section 7 of the Commercial Courts, Commercial Division and Commercial Appellate Division of High Court Act, 2015 prays for a permanent injunction restraining the defendants, their legal representative, their successors in business, assigns, franchisees, servants or agents operating the restaurant business by infringing the plaintiff's trademark "SANGEETHA", SVR SANGEETHA, SVR SANGEETHA VEG.RESTAURENT, and SANGEETHA (with a VEENA MARK) or by use of confusingly similar or any other mark deceptively and

identically similar to the plaintiff's registered trademark SANGEETHA or in any other manner whatsoever; B) a permanent injunction restraining the defendants, their legal representatives, their successors in business, assigns, franchisees, servants or agents operating a restaurant business by the name SAI SANGEETHA'S and from committing the act of passing off and enabling others in passing off the restaurant business in the deceptively similar mark which is identical to the plaintiff's trademark in any manner whatsoever' C) the defendant be ordered to surrender to the plaintiff for destruction of all the packing containers, card board boxes, packing materials, plastic covers and carry bags, screen prints, bills, sign boards, billing software, menu cards, and any other material in their possession bearing the mark SAI SANGEETHA which is identical to the plaintiff's mark SANGEETHA; D) the defendant be ordered to pay to the plaintiff's a sum of Rs.50,00,000/- (Rupees Fifty Lakhs Only) as damages for their wrongful and illegal act by use of the trademark SANGEETHA; E)for cost of the suit and F) for such further and other reliefs as this Court may deem fit and proper in the circumstances of the case.

For Plaintiff : Mr.L.Rajasekar

For Defendant : Mrs.Gladys Daniel

JUDGMENT

The present Suit is filed under Order IV Rule 1 of O.S.Rules and Order VII Rule 1 CPC read with Section 27, 134 and 135 of the Trademarks Act 1999 & Proviso 1 of Section 7 of the Commercial Courts, Commercial Division and Commercial Appellate Division of High Court Act, 2015

against the defendant for infringing the plaintiff's trademark "SANGEETHA", SVR SANGEETHA, SVR SANGEETHA VEG.RESTAURENT, and SANGEETHA

2. The parties have entered into settlement and a joint memo of compromise signed by the parties and their respective counsels has also filed before this Court. The said memo is taken on file and recorded. The suit is decreed, in terms of the Memo of compromise. The Memorandum of Compromise shall form part of the decree. No costs. Consequently connected application is closed.

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Index: Yes/No

Internet: Yes/No

Speaking/Non Speaking Order

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