

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 16.07.2019

Coram

The Honourable Mr.Justice KRISHNAN RAMASAMY

**C.S.No.674 of 2013
and O.A.Nos.756 & 757 of 2013**

1.SANGEETHA CATERERS & CONSULTANTS

A Partnership Firm

Rep. by its Partner P.Rajagopal

Having its Registered Office at

No.24, South Mada Street,

Mylapore, Chennai – 600 004.

2.P.Rajagopal,

Trading as

M/s.Sangeetha Veg. Restaurant

No.24, South Mada Street,

Mylapore, Chennai – 600 004.

...Plaintiffs

Versus

HOTEL SANGITA

No.66, G.P.Road,

Royapettah,

Near Express Mall,

Chennai – 600 014.

...Defendant

This Civil Suit is filed under Order IV Rule 1 O.S.Rules r/w. Order VII Rule 1 of C.P.C and Sections 134 & 135 of the Trademarks Act, 1999 for the following reliefs:

(a) Granting a permanent injunction restraining the defendant, its servants or agents or anyone who claiming through them from in any manner infringing the plaintiffs' registered Trademark

"SANGEETHA" by using the offending, identical and/or deceptively similar Trademark "HOTEL SANGITA" or any other mark or marks which are deceptively similar to or a colourable imitation of the plaintiffs' celebrated, well known and well established Registered Trademark "SANGEETHA" either by manufacturing or selling or offering for sale or in any manner advertising the same;

(b) Granting a permanent injunction restraining the defendant, its servants, or agents or anyone claiming through them from in any manner passing off of its "restaurant business" by using the offending and identical and/or deceptively similar trademark "HOTEL SANGITA", as and for the celebrated restaurant business of the plaintiffs under the well known, well established and Registered Trademark "SANGEETHA" by selling or offering for sale, or in any manner advertising the same;

(c) Directing the defendant to render true and faithful accounts of the profits earned by it by using the offending identical and/or deceptively similar Trademark "HOTEL SANGITA", and payment of such profits to the plaintiffs for the passing off committed by the defendant.

(d) Directing the defendant to surrender all the unused offending bill books, name board, packing materials and other stationery articles bearing the offending Trademark "SANGEETHA" and/or "HOTEL SANGITA", for destruction;

(e) Directing the defendant to pay to the plaintiffs the cost of the suit.

For Plaintiffs : Mr.L.Rajasekar
For Defendant : Set *ex-parte*
vide order dated 28.06.2019

J U D G M E N T

The learned counsel for plaintiffs seeks the permission of this Court to withdraw the present suit with a liberty to the plaintiffs to file a fresh suit, if the defendant again opens the restaurant in the same premises. He has also made an endorsement to that effect.

2. In view of the submission coupled with an endorsement made by the plaintiffs' counsel, this Civil Suit is dismissed as withdrawn and also the plaintiffs are granted liberty to file a fresh suit, if the defendant again opens the restaurant in the very same premises. No costs. Consequently, connected Applications are closed.

16.07.2019

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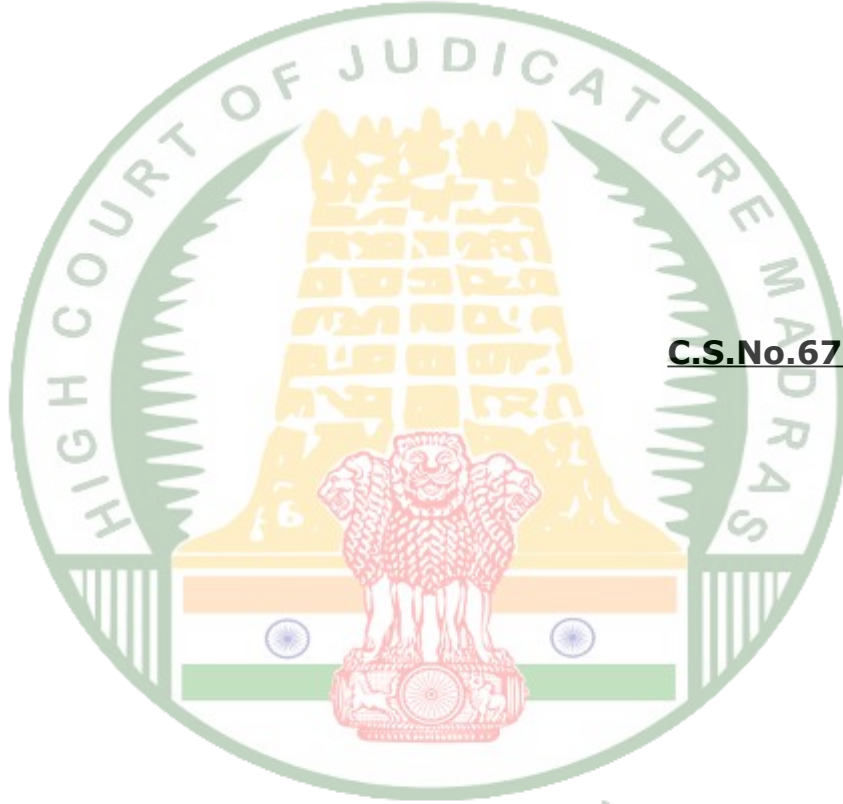
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KRISHNAN RAMASAMY, J.,

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