

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated :15.11.2019

Coram

The Honourable Mr.Justice N.SATHISH KUMAR

C.S.No.515 of 2019
and O.A.No.812 of 2019

M/s.Sangeetha Cateers and Consultants LLP
Represented by its Designated Partners:

1.Mr.P.Rajagopal
2.Mr.P.Suresh
No.7, Gandhi Nagar,
1st Main Road, 4th Floor,
Adyar, Chennai – 600 020

...Plaintiff

Versus

M/s.Hotel Shri Sangeethas
NH 47, Salem Coimbatore Highways,
Vijayamangalam,
Near Perundurai Toll Plaza,
Erode, Pin Code – 638 056.
Erode District.

...Defendant

This Civil Suit is filed under Order IV, Rule 1 of the Original Side Rules and Order VII, Rule 1 C.P.C read with Sections 27, 134 and 135 of the Trade Marks Act, 1999, and proviso 1 of Section 7 of the Commercial Courts, Commercial division and Commercial

Appellate division of the High Courts Act, 2015, Prayed for (a) a permanent injunction restraining the defendants, their legal representatives, their successors in business, assigns, franchisees, servants or agents operating the restaurant business by infringing the plaintiffs trademark "Sangeetha (with a Veena mark)", "SVR Sangeetha", "SVR Sangeetha Veg. Restaurant", and "Sangeetha Veg. Restaurant (with a Veena mark)" or by use of confusingly similar or any other mark deceptively and identically similar to the plaintiffs 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 "HOTEL SHRI SANGEETHAS" 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, cardboard boxes, packing materials, covers and carry bags, screen prints, bills, sign boards, billing software, menu cards, and any other material in their possession bearing the mark "HOTEL SHRI SANGEETHAS" which is identical to the plaintiff's mark Sangeetha;

(d) the defendant be ordered to pay to the plaintiffs a sum of Rs.25,00,000/- (Rupees Twenty Five Lakhs only) as damages for

their wrongful and illegal act by use of the trademark Sangeetha;

(f) the costs of the suit.

For Plaintiff : Ms.Sunita Kumari E.

For Defendant : Mr.J.Hariharan

J U D G M E N T

The learned counsel appearing for the defendant filed an affidavit and also submitted that the defendant undertakes to change the name of his restaurant as 'HOTEL SHRI SAI GEETHAS'.

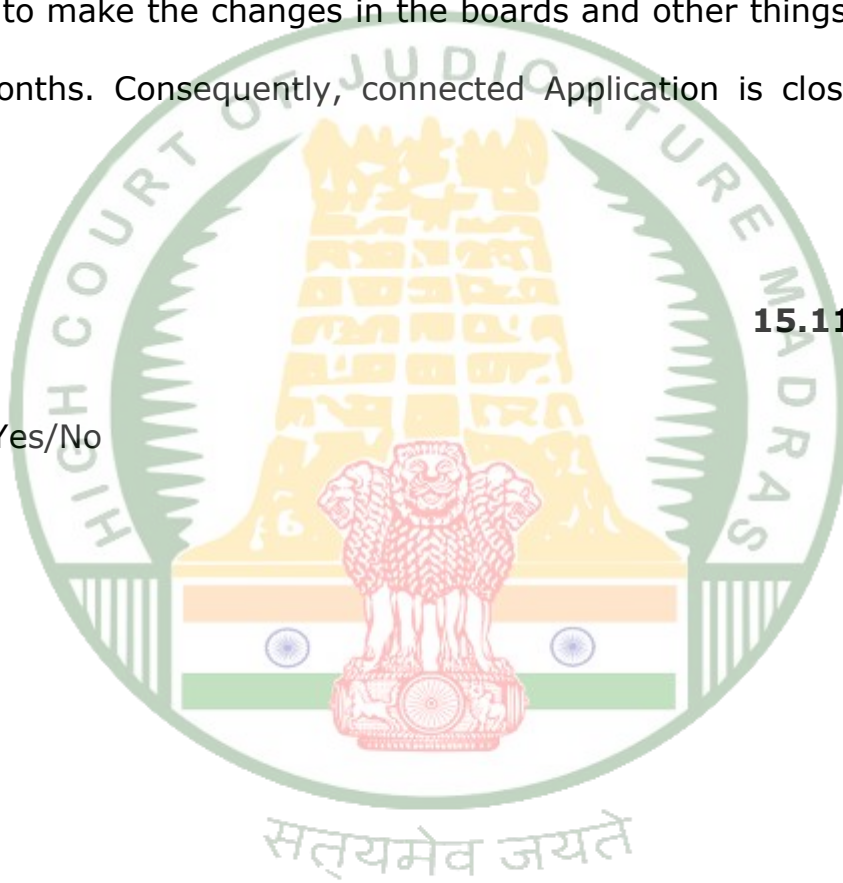
2. The learned counsel for the plaintiff submitted that infact there were settlement talks in this regard and it was agreed, the only contention is that five month time to change the board is not agreed.

3. Hence, this Court is of the view that since the affidavit itself mainly indicate the fact that the defendant has infringed the plaintiff's trademark, the suit can be disposed of in terms of

admission under Order XII Rule 6 C.P.C read with Order 13A of Commercial Court Act. In view of the admission made by the plaintiff in the affidavit the suit is decreed in respect of prayers 'a' and 'b'. As far as prayers 'c' and 'd' are concerned, the defendant is directed to make the changes in the boards and other things within three months. Consequently, connected Application is closed. No costs.

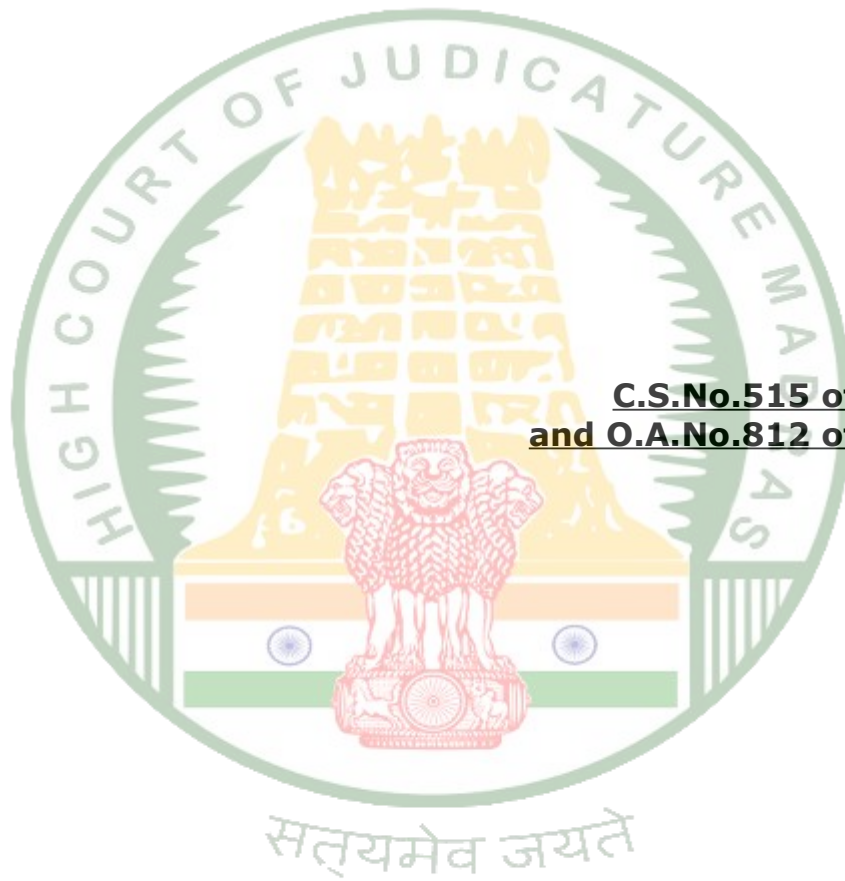
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N.SATHISH KUMAR, J.,
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