

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(ORDINARY ORIGINAL CIVIL JURISDICTION)

WEDNESDAY, THE 26TH DAY OF FEBRUARY 2020

THE HON'BLE DR. JUSTICE G.JAYACHANDRAN

A. No.859 OF 2020

AMARAVATHI RESTAURANTS PRIVATE LIMITED

No.1 Cathedral Road, Alwarpet,
Chennai - 600 086 Tamilnadu, India,
rep.by its Chief Financial Officer,
Mr.D.Rami Reddy.

...APPLICANT/PLAINTIFF

-VS-

KARAIKUDI CHETTINAD RESTAURANT

NH – 45, Bypass,
Tindivanam- 604 001.

... RESPONDENT/DEFENDANTS

Application praying that this Hon'ble Court be pleased to grant
leave to the Applicant to sue the Respondent.

This Application coming on this day before this court for hearing
the court made the following order:

The suit is filed under Trade Marks Act alleging infringement of
trademark and passing off.

2.Legal use certificate dated 11.11.2019 issued in favour of the
plaintiff indicates that the plaintiff being a service provider has been
granted the mark “Kaaraikudi” and the trademark “Kaaraikudi Chettinad

Restaurant”. The contention of the plaintiff is that the defendant carrying on business at Tindivanam had infringed the said trademark “Kaaraikudi Chettinad Restaurant”. Hence, the present suit.

3.The plaintiff seeks leave to file the suit, since the defendant is residing outside the territorial jurisdiction of this Court. Since the matter is arising under the Trademarks Act and Section 134(2) enables the person to file the suit within the jurisdiction of its territory of operation, leave to sue is granted.

Sd/.DR.G.J.J.
26.02.2020

//Certified to be a true copy//
Dated this the day of 2020.

SU/28.02.2020

COURT OFFICER

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

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