



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(ORDINARY ORIGINAL CIVIL JURISDICTION)

TUESDAY, THE 07th DAY OF DECEMBER 2021

THE HON'BLE MR. JUSTICE N.ANAND VENKATESH

C.S. No. 61 of 1996

The Canara Land Investments Ltd.,  
Manipal - 576 119,  
Karnataka State,  
rep. by its Power of Attorney  
Mr. N. Mahalinga Bhat. ...Plaintiff

-Versus-

1. Apeejay-Surendra Park Hotels Ltd.,  
15, Parliment Street,  
NEW DELHI.

2. Park Hotel (P) Ltd.,  
17, Park Street,  
CALCUTTA - 700 016.

3. Vizag Sea Park Hotel (P) Ltd.,  
Apeejay House,  
No.3, Dinshaw Vachha Road,  
Bombay - 400 020.

4. Apeejay Limited,  
12, Haddows Road,  
Madras - 600 006. ...Defendants

Civil Suit praying that this Hon'ble Court be pleased to grant

judgment and decree as follows:-

(a) for a declaration that the threats contained in the Cease and Desist



Notice dated 22-12-1995 is unjustifiable and groundless:

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(b) for grant permanent injunction, restraining the respondents, their servants, agents, or anyone claiming through them from continuing the threat against the use of the expression "Hotel Green Park" by any circular, notices, advertisement, or in any manner against the Plaintiff;

(c) for grant permanent injunction, restraining the respondents, their servants, agents, men and representatives, or anyone claiming through them from asserting exclusive right over the expression "PARK" in respect of the Plaintiff's use of the expression "Green Park Hotel";

(d) directing the Defendants to-pay to the Plaintiff's the costs of the suit.

This Civil Suit coming on this day before this Court for hearing in the presence of M/s.Gladys Daniel, Advocate for the Plaintiffs herein and Mr.K.Premchandar, Advocate for the defendant herein and upon reading the Plaint filed herein and the memo dated 06.12.2021 filed by the learned counsel for the Plaintiff herein and has reported that "no instructions" and the memo is taken on file, it is ordered as follows:-

1) That the suit in C.S. No.61 of 1996, be and is hereby dismissed for non-prosecution.

2) That connected applications are do stand closed.



3) That there shall be no order as to costs of this suit.

WEB COPY WITNESS THE HON'BLE MR. JUSTICE MUNISHWAR NATH  
BHANDARI, ACTING CHIEF JUSTICE, HIGH COURT AT MADRAS  
AFORESAID, THIS THE 07th DAY OF DECEMBER 2021.

Sd/-

ASSISTANT REGISTRAR(Comm.Cases)

//Certified to be true copy//

Dated at Madras this the                      day of                      2022.

COURT OFFICER(O.S.)

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of the Orders/Judgments/Decrees in this format.



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20.12.2021

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C.S. No.61 of 1996

ORDER

DATED : 07.12.2021

THE HON'BLE MR. JUSTICE  
N.ANAND VENKATESH

FOR APPROVAL: 23.12.2021

APPROVED ON : 30.12.2021



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IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated :07.12.2021

Coram:

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Civil Suit No.61 of 1996

The Canara Land Investment Ltd.,  
Manipal-576 119,  
Karnataka State,  
Rep by its Power of Attorney  
Mr.N.Mahalinga Bhat.

.. Plaintiff

/versus/

1. Apeejay-Surendra Park Hotels Ltd.,  
15, Parliament Street,  
New Delhi.

2. Park Hotel (P) Ltd.,  
17, Park Street,  
Calcutta - 700 016.

3. Vizag Sea Park Hotel (P) Ltd.,  
Apeejay House,  
No.3, Dinshaw Vachha Road,  
Bombay 400 020.

4. Apeejay Limited,  
12, Haddows Road,  
Madras-600 006.

..Defendants



Merchandise Marks Act, 1958 and Order IV, Rule 1 of the Original Side Rules, praying to pass a judgment and decree for:-

(a) for a declaration that the threats contained in the cease and desist notice dated 22-12-1995 is unjustifiable and groundless;

(b) for grant permanent injunction, restraining the respondents, their servants, agents, or anyone claiming through them from continuing the threat against the use of the expression "Hotel Green Park", by any circular, notices, advertisement, or in any manner against the plaintiff;

(c) for grand permanent injunction, restraining the respondents, their servants, agents, men and representatives, or anyone claiming through them from asserting exclusive right over the expression "PARK" in respect of the plaintiff's use of the expression "Green Park Hotel";

(d) directing the defendants to pay to the plaintiff's the costs of the suit and

(e) pass such further, or other orders, as this Hon'ble Court may deem fit and thus render justice.

For Plaintiffs :Ms.Gladys Daniel

For Defendant :Mr.K.Premchandrar

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### **J U D G M E N T**

The learned counsel for the plaintiff has filed a memo and has reported no instructions.



prosecution. There shall be no order as to costs. Consequently, connected applications are closed, if any.

Sd./-N.A.V.J.

07.12.2021

//Certified to be true copy//

Dated at Madras this the                      day of                      2022.

COURT OFFICER(O.S.)

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