



WEB COPY IN THE HIGH COURT OF JUDICATURE AT MADRAS

(ORDINARY ORIGINAL CIVIL JURISDICTION)

TUESDAY, THE 7TH DAY OF SEPTEMBER 2021

THE HON'BLE MR. JUSTICE R.SUBRAMANIAN

C.S.No.9 of 2010

And

O.A.Nos.21 to 23 of 2010

And

A.No.68 of 2010

C.S.No.9 And O.A.No.21,22 & 23 And A.No.68 of 2010:-

M.M.Sheik Dawood,
S/o.Mr.Mohidin Abdul Kadar,
Muslim,aged about 58 years,
#15, Lake Area, 6th Cross Street,
Nungambakkam, Chennai,
Represented by his power of attorney
M.I.Mohamad Riza.

...Applicant/Plaintiff in
O.A.No.21 to 23 of 2010

Vs

M/s.Goel International Pvt Ltd.,
Sonkard Road,
Taraori 132 116(Karnal),
Hariyana, India.

...Respondent/Defendant
in O.A.No.21 to 23 of 2010

C.S.No.9 of 2010:-

Civil Suit Praying that this Hon'ble Court be pleased to judgment



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(a) for a Permanent injunction restraining the defendants, their men, agents, servants or any one claiming through them from in any manner infringing the Plaintiff's registered Trade Mark "CHEF'S SPECIAL" by using the offending Trade Mark 'CHEF'S SPECIAL' or any other Trade Mark or device which is identical or deceptively similar to or a colourable imitation to that of the plaintiff's registered trade mark and Trade Mark Label "CHEF'S SPECIAL".

(b) for a Permanent injunction restraining the defendants, their men, agents, servants, or any one claiming through them from in any manner passing off the goods of the defendant as that of the plaintiff's by using the offending trade mark 'CHEF'S SPECIAL' Label together with traders colour scheme, getup, layout of the plaintiff's trade mark 'CHEF'S SPECIAL' or any other Trade Mark Label/device which is similar/deceptively similar to that of the plaintiff's registered trade mark 'CHEF'S SPECIAL'.

(c) for a Permanent injunction restraining the defendants their men, agents, servants or any one claiming through them from any any manner infringing the plaintiff's copyright over the artistic work in the trade mark label 'CHEF'S SPECIAL' by using the offending trade mark label

'CHEF'S SPECIAL' or any other trade mark label which is identical or



colourable reproduction of the plaintiff's artistic work in the trade mark label CHEF'S SPECIAL.

(d) Directing the defendants to surrender to the Plaintiff the entire stocks, bags with the infringing trademark label “CHEF'S SPECIAL' and unused infringing Trade Mark label “together with blocks and dies for destruction.

(e) Directing the defendants to render a true and faithful accounts of the Profits earned by them through the sale of their products bearing the infringing label which is similar or deceptively similar to the plaintiff's Trade Mark and copyrighted label “CHEF'S SPECIAL” and directing the payment of such profits to the Plaintiff;

(f) Directing the defendants to pay the costs of the suit to the plaintiff.

O.A.No.21 of 2010:-

Original Application praying that this Hon'ble Court be pleased to grant an order of ad interim injunction restraining the respondent/defendant, their men, agents, servants or any one claiming through them from in any manner infringing the applicant/plaintiff's registered trade mark “CHEF'S SPECIAL” by using the offending trade mark label together with trader's colour scheme, get up, layout of the applicant/plaintiff's trade mark “CHEF'S SPECIAL” or any other trade



mark label/device which is similar/deceptively similar or a colourable imitation to that of the applicant plaintiff's registered trade mark "CHEF'S SPECIAL" pending disposal of the suit.

O.A.No.22 of 2010:-

Original Application praying that this Hon'ble Court be pleased to grant an order of ad interim injunction restraining the respondent/defendant, their men, agents, servants or any one claiming through them from in any manner passing off the goods of the respondent/defendant as that of the applicant/plaintiff by using the offending trade mark label together with trader's colour scheme, get up, layout of the applicant/plaintiff's trade mark "CHEF'S SPECIAL" or any other trade mark label/device which is similar/deceptively similar or a colourable imitation to that of the applicant/plaintiff's registered trade mark "CHEF'S SPECIAL" pending disposal of the suit.

O.A.No.23 of 2010:-

Original Application praying that this Hon'ble Court be pleased to grant an order of ad interim injunction restraining the respondent/defendant, their men, agents, servants or any one claiming through them from in any manner infringing the applicant/plaintiff's copyright over the artistic work in the trade mark "CHEF'S SPECIAL"

by using the offending trade mark label together with trader's colour



scheme, get up, layout of the applicant/plaintiff's trade mark "CHEF'S SPECIAL" or any other trade mark label/device which is similar/deceptively similar or a colourable imitation to that of the applicant/plaintiff's registered trade mark "CHEF'S SPECIAL" pending disposal of the suit.

A.No.68 of 2010:-

Application praying that this Hon'ble Court be pleased to appoint an Advocate Commissioner with directions to go to the premises of the respondent/defendant at M/s.Goel International Pvt. Ltd, Sonkard Road, Taraori 132 116 (Karnal), Haryana State or other places as might be pointed out by the applicant/plaintiff, take inventory of the infringing goods with the offending trade mark, documents and other evidences, seize the same and deposit before this Hon'ble Court.

This Civil Suit is coming n this day before this court for hearing in the presence of Mr.Prasanna Venkat for M/s.APR Associates, Advocate for the plaintiff herein and upon reading the plaint filed herein and this court having observed that the counsel for the plaintiff is unable to contact the plaintiff and he reports no instructions and **it is ordered as follows:-**

- (i) That the suit in C.S.No.9 of 2010 be and is hereby dismissed for non-prosecution.



WEB COPY (ii) That the applications in O.A.No.21 to 23 of 2010 and A.No.68 of 2010 be stand closed.

(iii) That there be no costs in this suit.

WITNESS THE HON'BLE MR. JUSTICE SANJIB BANERJEE,
CHIEF JUSTICE, HIGH COURT AT MADRAS AFORESAID, THIS
THE 7TH DAY OF SEPTEMBER 2021.

Sd./-

ASSISTANT REGISTRAR(Comm.Cases)

//Certified to be true copy//

Dated at Madras this the day of 2021.

COURT OFFICER(O.S.)

From 25th Day of September 2008 the Registry is issuing certified copies of the Orders/Judgments.



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05/10/2021

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C.S.No.9 of 2010

And

O.A.Nos.21 to 23 of 2010

And

A.No.68 of 2010

ORDER

DATED : 07.09.2021

THE HON'BLE MR. JUSTICE

R.SUBRAMANIAN

FOR APPROVAL:30.10.2021

APPROVED ON:01.11.2021



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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.09.2021

CORAM:

THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN

C.S.No.9 of 2010

and

O.A.Nos.21 to 23 of 2010 & A.No.68 of 2010

M.M.Sheik Dawood

son of Mr.Mohidin Abdul Kadar,

Muslim, aged about 58 years,

15, Lake Area, 6th Cross Street,

Nungambakkam, Chennai.

Represented by his power of attorney,

M.I.Mohamad Riza

...Plaintiff

Vs.

M/s.Goel International Pvt.Ltd.,

Sonkard Road, Taraori 132 116 (Karnal)

Hariyana, India.

...Defendant

Prayer: Complaint filed under Order VII, Rule 1 of CPC read with Order IV Rule 1 of High Court O.S Rules and Sec 134 and 135 of the Trade Marks Act, 1999 Sec 55 & 62 of the Copy Right Act:-

a) for a Permanent Injunction restraining the defendants, their men, agents, servants or any one claiming through them from in any manner infringing the plaintiff's registered Trade Mark "CHEF'S SPECIAL" by using the offending Trade Mark 'CHEF'S SPECIAL' or any other Trade Mark or device which is identical or deceptively similar to or a colourable imitation to that of the plaintiff's registered trade mark and Trade Mark Label "CHEF'S SPECIAL".

b) for a Permanent Injunction restraining the defendants, their men, agents, servants, or any one claiming through them from in any manner passing off the goods of the defendant as that of the plaintiff's by using

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

WEB COPY Mr.Prasanna Venkat, learned counsel appearing for the plaintiff would submit that despite his earnest efforts, he is unable to contact the plaintiff. Hence, he reports no instructions. The suit is therefore, dismissed for non-prosecution. No costs. Consequently, connected applications are closed.

Sd./-R.S.M.J
07.09.2021

List of witness and documents filed on the side of the plaintiff:

Nil

List of witness and documents filed on the side of the defendants:

Nil

Sd./-R.S.M.J
07.09.2021

//Certified to be true copy//

Dated at Madras this the day of 2021.

COURT OFFICER(O.S.)

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