



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(ORDINARY ORIGINAL CIVIL JURISDICTION)

MONDAY, THE 28TH DAY OF JUNE 2021

THE HON'BLE DR. JUSTICE G.JAYACHANDRAN

C.S.(Com.Div.) No.117 of 2020

Amaravathi Restaurants Private Limited,
No.1, Cathedral Road,
Alwarpet, Chennai-600086
Tamil Nadu, India,
rep.by its Chief Financial Officer,
Mr.D.Rami Reddy.

.. Plaintiff

/versus/

Karaikudi Chettinad Restaurant,
NH-45, Bypass,
Tindivanam-604001.

.. Defendant

Civil suit praying that this Hon'ble Court be pleased to grant a judgment and decree on the following terms:-

(a) Permanent injunction restraining the defendant, themselves, their partners, successors-in-business, servants, agents, distributors, dealers, stockists, wholesalers, retailers, shop keepers, representatives, assigns and all other persons claiming through them from in any manner using or otherwise dealing with the trade mark/trade name KARAIKUDI CHETTINAD RESTAURANT or any other mark which is almost identical to the plaintiff's registered trademarks KARAIKUDI amounting to



infringement of the plaintiff's registered trademark KARAIKUDI CHETTINAD RESTAURANT or in any manner whatsoever;

(b) a permanent injunction restraining the defendant, their proprietor/partners, men, servants, agents, distributors, stockists, successors in business, retailers, legal representatives, heirs, assigns or any other person claiming through or under them, from passing off and enabling others to pass off defendant's restaurants and business as and for plaintiff's restaurants and business by use of service mark/trade name KARAIKUDI CHETTINAD RESTAURANT or in any name/ mark similar to plaintiff's registered service mark/trade name KARAIKUDI CHETTINAD RESTAURANT or in any other manner whatsoever;

(c) the defendant be ordered to pay to the plaintiff a sum of Rs.1,00,000/- as damages for committing infringement of trademarks and passing off its products as and for the plaintiff's products or services;

(d) the defendant be ordered to surrender to the plaintiff for destruction, name boards, invoices/bills, prints, dies, blocks, molds and plates, screen prints, cylinders, packing and advertising material and any other material in the defendant's possession, which bears the service mark/trade name KARAIKUDI CHETTINAD RESTAURANT;

(e) a preliminary decree be passed in favour of the plaintiff directing the defendant to render account of profits made by use of the almost



identical service mark/ trade name KARAIKUDI CHETTINAD RESTAURANT amounting to infringement of the plaintiff's registered trademarks and/or passing off and a final decree be passed in favour of the plaintiff for the amount of profits thus found to have been made by the defendant after the latter have rendered accounts;

(f) for entire costs of the suit.

This suit coming on this day before this Court for hearing in the presence of Mr.Ramkumar for M/s.Arun C.Mohan, Advocates for the plaintiff herein and upon reading the plaint and the memo dated 27.04.2021 filed herein and this Court doth recording the same, it is ordered as follows:-

That the suit in C.S.(Com.Div.) No.117 of 2020 be and is hereby dismissed as withdrawn.

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

WITNESS THE HON'BLE MR. JUSTICE SANJIB BANERJEE,
CHIEF JUSTICE, HIGH COURT AT MADRAS AFORESAID, THIS THE
06TH DAY OF JULY 2021.

Sd/-

ASSISTANT REGISTRAR (Comm. Cases)

//Certified to be true copy//

Dated at Madras this the day of 2021.

COURT OFFICER(O.S.)

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13/07/2021

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C.S.(Com.Div.) No.117 of 2020

ORDER

DATED : 28/06/2021

THE HON'BLE DR.JUSTICE
G.JAYACHANDRAN

FOR APPROVAL: 19/07/2021

APPROVED ON: 20/07/2021



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IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 28.06.2021

CORAM:

THE HONOURABLE DR. JUSTICE G.JAYACHANDRAN

C.S.(Com.Div.) No.117 of 2020

Amaravathi Restaurants Private Limited,
No.1, Cathedral Road,
Alwarpet, Chennai-600086
rep.by its Chief Financial Officer,
Mr.D.Rami Reddy

.. Plaintiff

/versus/

Karaikudi Chettinad Restaurant,
NH-45, Bypass,
Tindivanam-604001.

.. Defendant

This Civil Suit is filed under Order IV Rule 1 Original Side Rules read with Order VII Rule 1 of CPC Read With Sections 27, 134 and Sections 135 of the Trademarks Act 1999 & Proviso 1 to Section 7 of the Commercial Courts, Commercial Division and Commercial Appellate Division of High Courts Act, 2015, prayed for (a) Permanent injunction restraining the defendant, themselves, their partners, successors-in-business, servants, agents, distributors, dealers, stockists, wholesalers, retailers, shop keepers, representatives, assigns and all other persons claiming through them from in any manner using or otherwise dealing with the trade mark/trade name KARAIKUDI CHETTINAD RESTAURANT or any other mark which is almost identical to the plaintiff's registered trademarks KARAIKUDI amounting to infringement of the plaintiff's registered



trademark KARAIKUDI CHETTINAD RESTAURANT or in any manner whatsoever;

(b) a permanent injunction restraining the defendant, their proprietor/partners, men, servants, agents, distributors, stockists, successors in business, retailers, legal representatives, heirs, assigns or any other person claiming through or under them, from passing off and enabling others to pass off defendant's restaurants and business as and for plaintiff's restaurants and business by use of service mark/trade name KARAIKUDI CHETTINAD RESTAURANT or in any name/ mark similar to plaintiff's registered service mark/trade name KARAIKUDI CHETTINAD RESTAURANT or in any other manner whatsoever;

(c) the defendant be ordered to pay to the plaintiff a sum of Rs.1,00,000/- as damages for committing infringement of trademarks and passing off its products as and for the plaintiff's products or services;

(d) the defendant be ordered to surrender to the plaintiff for destruction, name boards, invoices/bills, prints, dies, blocks, molds and plates, screen prints, cylinders, packing and advertising material and any other material in the defendant's possession, which bears the service mark/trade name KARAIKUDI CHETTINAD RESTAURANT;

(e) a preliminary decree be passed in favour of the plaintiff directing the defendant to render account of profits made by use of the almost identical service mark/ trade name KARAIKUDI CHETTINAD RESTAURANT amounting to infringement of the plaintiff's registered trademarks and/or passing off and a final decree be passed in favour of the



plaintiff for the amount of profits thus found to have been made by the defendant after the latter have rendered accounts;

(f) for entire costs of the suit.

For plaintiff : Mr.Ramkumar for
M/s.Arun C.Mohan

JUDGMENT

The learned counsel for the plaintiff has filed a memo to withdraw the suit.

2. Recording the same, the civil suit is dismissed as withdrawn. There shall be no order as to costs.

Sd./-G.J.J.

28/06/2021

//Certified to be true copy//

Dated at Madras this the day of 2021.

COURT OFFICER(O.S.)

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