



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(ORDINARY ORIGINAL CIVIL JURISDICTION)

WEDNESDAY, THE 28TH DAY OF JULY 2021

THE HON'BLE MR. JUSTICE R.SUBRAMANIAN

A.No.2497 of 2021

in

C.S.No.681 of 2011

1. Mr.A.D.Padmasingh Isaac
Plot No: 1926, 34th Street,
I Block, Ishwarya Colony,
Anna Nagar West, Chennai 600 040.

2. M/s. Aachi Masala Foods (P) Ltd.,
Old No.4, New No.181/1
6th Avenue, Thangam Colony,
Anna Nagar, Chennai 600 040
Represented by its Director
Mr.Ashwin Pandian .

: Applicants/Plaintiffs

-Versus-

Hotel Aachis
38a, School Road,
Dindigul – 624 001.

: Respondent/Defendant

Application praying that this Hon'ble Court be pleased to amend the short cause title and long cause title of the Defendant, in the plaint as Hotel Aachis, No.18, Thiruvalluvar Salai, Opp.Bus Stand, Dindigul – 624 001 and also in the statement of addresses as Hotel Aachis, No.18, Thiruvalluvar Salai, Opp.Bus Stand, Dindigul – 624 001 in C.S.No.(Comm.Div.) No.681

of 2011

This Application coming on this day before this court for hearing in



the presence of Ms.Hemalatha for M/s. C.Daniel and Gladys Daniel, Advocates for the Applicants herein and Mr.Shenbagaraman for M/s. S.Rajasekaran, Advocates for the respondent herein and upon reading the judges summons and the affidavit of A.D.Padmasingh Isaac, and the counter affidavit of V.Parvathi filed herein, It is ordered as follows:

That the applicants/plaintiffs herein shall pay a sum of Rs.10,000/- (Rupees Ten thousand only) as costs to the counsel for the defendants on or before 11.08.2021.

2. That subject to the condition as mentioned above, the applicants/plaintiffs herein be and are hereby permitted to amend the short cause title and long cause title of the Defendant, in the plaint as Hotel Aachis, No.18, Thiruvalluvar Salai, Opp.Bus Stand, Dindigul – 624 001 and also in the statement of addresses as Hotel Aachis, No.18, Thiruvalluvar Salai, Opp.Bus Stand, Dindigul – 624 001 in C.S.No.(Comm.Div.) No.681 of 2011.

3. That the A.No.2497 of 2021 in C.S.No. 681 of 2011, be posted on 12.08.2021 for compliance.

WITNESS THE HON'BLE MR. JUSTICE SANJIB BANERJEE, CHIEF JUSTICE, HIGH COURT AT MADRAS AFORESAID, THIS THE 28th 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.)

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



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05.08.2021

A.No.2497 of 2021
in
C.S.No.681 of 2011

ORDER :-

DATED:28.07.2021

THE HON'BLE MR.JUSTICE
R.SUBRAMANIAN

FOR APPROVAL: 05.08.2021

APPROVED ON: 09.08.2021



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THE HON'BLE MR. JUSTICE R.SUBRAMANIAN

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court made the following order:-

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These two applications have been filed seeking amendment of the short cause title and long cause title in the suit. The amendments sought for pertain to the correction of the address of the defendants in the cause title. The fact that the defendants are carrying on business in Dindigul Town is not in dispute. No doubt the defendants, even in the written statements had pointed out that the address given in the suit is not correct, but the suit summons were served on the defendants at the said address and the defendants are filed Vakalat and also prosecuted the suit.

2. The suit is one for an infringement of Trade Mark, if the plaintiff as a registered holder makes out a case for infringement, it will be entitled to prevent the defendants from carrying on business in the name of Hotel Aachis and Aachis Mess, anywhere in India. Therefore, I do not think any prejudice would be caused to the defendants in allowing these amendment applications. However, since the plaintiffs have not taken any steps to amend the plaint, despite the same having been pointed out in the written statement as well as the evidence, the plaintiffs will have to compensate the defendants for the delay. Therefore, both these Applications are allowed on condition that the plaintiffs pay a sum of Rs.10,000 (Rupees Ten thousand only) as costs, in each of the application to the counsel for the defendants on



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or before 11.08.2021.

WEB COPY

Post on 12.08.2021 for compliance.

Sd./-(R.S.M.J.,)

28.07.2021

//Certified to be true copy//

Dated at Madras this the day of 2021.

COURT OFFICER(O.S.)

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