

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.03.2021

CORAM :

THE HONOURABLE MR.JUSTICE N.KIRUBAKARAN
AND
THE HONOURABLE MR.JUSTICE P.D.AUDIKESAVALU

O.S.A.NOS.109 AND 110 OF 2014
AND
M.P.NOS.1 & 1 OF 2014

1. Mr.A.D.Padmasingh Isaac

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.

.... Appellants in both Appeals

Vs

Aachi Aappakadai Chettinad A/c Restaurant,
No.834/596, Poonamallee High Road,
Opp Panchali Amman Koil,
Arumbakkam,
Chennai - 600 106.

.... Respondent in both Appeals

COMMON PRAYER :

Original Side Appeals filed under Order XXXVI Rule 9 of the Original Side Rules read with Clause 15 of the Letters Patent, praying to set aside the order dated 28.02.2014 in O.A.Nos.154 & 155 of 2013 and Appln.Nos.1595 & 1596 of 2013 in C.S.No.151 of 2013 and grant the reliefs as prayed in O.A.Nos.154 & 155 of 2013 in C.S.No.151 of 2013 therein.

O.A.No.154 of 2013:-

Original Application praying that this Hon'ble Court be pleased to grant an interim injunction restraining the the respondent, by himself, his servants, agents, distributors, or anyone claiming through him from manufacturing, selling,

advertising and offering for sale using the same name AACHI used by the Applicants and the trade mark/name AACHI AAPAKADAI CHETTINADU A/c Restaurant or any other similar Trade Mark name or similar sounding expression in any media and use the same in name board, invoices, letter heads and visiting cards or by using any other trade mark/name which is in any way visually or deceptively or phonetically similar to the applicant trade mark/name AACHI/AACHI CHETTINADU RESTAURANT and use the same in pouches, packets or use the mark in invoices, letters heads and visiting cards or part of their Hotel/Restaurant name any other trade literature or Menu card by using any other trade mark which is in any way visually, or phonetically similar to the Applicant' registered Trade Mark No.1116254 or in any manner infringing the Applicant's registered Trade Marks referred herein pending disposal of the above suit.

O.A.No.155 of 2013:-

Original Application praying that this Hon'ble Court be pleased to grant an interim injunction restraining the respondents, by itself, its agents or servants, or anyone claiming through or under him any business marketing, selling, advertising using in trade literature, menu cards, invoices, name boards, website, internet advertisements the mark/ name Aachi Appakadai Chettinad A/c Restaurant in relation to the Restaurant or with respect to or any other food preparation or on any other business the impugned trademark/name which is in any manner deceptively or phonetically confusingly similar to the applicant's trade mark/name AACHI/AACHI CHETTINADU RESTAURANT or in any other manner pass off their business or goods as and for that of the applicants pending disposal of the above suit.

A.No.1595 OF 2013:-

Application praying that this Hon'ble Court be pleased to vacate the order dated 13.03.2013 in O.A.No.154 of 2013 in C.S.No.151 of 2013 and dismiss said application.

A.No.1596 OF 2013:-

Application praying that this Hon'ble Court be pleased to vacate the order dated 13.03.2013 in O.A.No.155 of 2013 in C.S.No.151 of 2013 and dismiss said application.

For Appellants
in both Appeals : Mr.Gladys Daniel

C O M M O N J U D G M E N T
(Judgment of the court was made by N.KIRUBAKARAN.J.,)

The matter was heard through "Video Conference".

2.It is represented by the Learned Counsel for the Appellants in both the Appeals that C.S.No.151 of 2013 itself, has been partly decreed in favour of the Appellants on 11.03.2021.

3.In view of the above representation, nothing survives for further adjudication in these Appeals and accordingly, these Appeals are dismissed taking note of the above developments. No costs. Consequently, connected Miscellaneous Petitions are closed.

Sd/-
Assistant Registrar(CS IX)

//True Copy//

Sub Assistant Registrar

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To

The Sub Assistant Registrar,
Original Side Section,
High Court of Madras, Chennai.

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O.S.A.Nos.109 and 110 of 2014
and
M.P.Nos.1 & 1 of 2014

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