



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(ORDINARY ORIGINAL CIVIL JURISDICTION)

THURSDAY, THE 29TH DAY OF JULY 2021

THE HON'BLE DR.JUSTICE G.JAYACHANDRAN

O.A. Nos.469 & 470 of 2017

and

A. Nos.3386 & 3387 of 2017

in

C.S. No.344 of 2017

V.Rangasamy Naidu Educational Trust,

(a Trust registered under the Indian
Trust Act, 1882)

rep. by its Managing Trustee, Dr.S.R.K.Prasad,
No.48, 2nd Floor, B.N.Road,
T.Nagar, Chennai-600 017.

... Applicant/Plaintiff

(in O.A. Nos.469 & 470 of 2017)

-Versus-

1. Parthasarathy Seniammal Educational Trust,

rep. by its Managing Trustee,
HIG-34, Raja Mannar Street,
3rd Main, Nulambur,
Chennai-600 037.

2. Chennai Institute of Technology,

rep. by its Correspondent/Director/Principal,
Sarathy Nagar, SH-113, Nandambakkam Post,
Pudupedu, Near Kundrathur,
Chennai-600 069.

3. Mr.P.Sriram,

Managing Trustee,
Parthasarathy Seniammal Educational Trust,
HIG-34, Raja Mannar Street,
3rd Main, Nulambur,
Chennai-600 037.

... Respondents/Defendants

(in O.A. Nos.469 & 470 of 2017)

**O.A. No.469 of 2017:-**

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Original Application praying that this Hon'ble Court be pleased to grant ad-interim injunction restraining the respondents 1 to 3 jointly and severally, its Trustees, Correspondents, Directors, Principal, Staff, Agents, Students, Representatives or anyone associated or related with them from in any manner passing off their services as that of the applicant and thereby restraining them from using any trademark, trade name or word which is identical or deceptively similar to the applicant's trademark/trade name "CIT" or rendering or offering any services, advertisements, displaying or portraying or in any manner either directly or indirectly using or dealing or depicting the word "CIT", especially in their precincts and premises, on their buses and all vehicles, in their domain name www.citchennai.edu.in, and in their website web pages or in any manner whatsoever, pending disposal of this suit.

O.A. No.470 of 2017:-

Original Application praying that this Hon'ble Court be pleased to grant ad-interim injunction restraining the respondents 1 to 3 jointly and severally, its Trustees, Correspondents, Directors, Principal, Staff, Agents, Students, Representatives or anyone associated or related with them from in

any manner infringing the applicant's registered trademark "CIT" under



Trademark Registration No.2149954 in Class 41 and thereby restraining them from using any trademark, trade name, abbreviation or word that is identical or deceptively similar to the applicant's said registration trademark "CIT", or rendering or offering any services, advertisements, displaying or portraying or in any manner either directly or indirectly using or dealing with or depicting the word "CIT", especially in their precincts and premises, on their buses and all their vehicles, in their domain name www.citchennai.edu.in, and as their website web pages or in any manner whatsoever, pending disposal of this suit.

A. Nos.3386 & 3387 of 2017:-

1. Parthasarathy Seniammal Educational Trust,
rep. by its Managing Trustee,
HIG-34, Raja Mannar Street,
3rd Main, Nulambur,
Chennai-600 037.
 2. Chennai Institute of Technology,
rep. by its Correspondent/Director/Principal,
Sarathy Nagar, SH-113, Nandambakkam Post,
Pudupedu, Near Kundrathur,
Chennai-600 069.
 3. Mr.P.Sriram,
Managing Trustee,
Parthasarathy Seniammal Educational Trust,
HIG-34, Raja Mannar Street,
3rd Main, Nulambur,
Chennai-600 037.
- ... Applicants/Respondents/Defendants



V.Rangasamy Naidu Educational Trust,
(a Trust registered under the Indian
Trust Act, 1882)

rep. by its Managing Trustee, Dr.S.R.K.Prasad,
No.48, 2nd Floor, B.N.Road,
T.Nagar, Chennai-600 017.

... Respondent/Applicant/Plaintiff

A. No.3386 of 2017

Application praying that this Hon'ble Court be pleased to suspend the
Order dated 27.04.2017 of Ex-parte Ad-Interim Injunction forthwith, passed
in O.A. No.469 of 2017 in C.S. No.344 of 2017, pending disposal of the
above OA.

A. No.3387 of 2017

Application praying that this Hon'ble Court be pleased to vacate the
Ex-parte Ad-Interim Injunction Order dated 27.04.2017 passed in O.A.
No.469 of 2017 in C.S. No.344 of 2017.

These Applications coming on this day before this court for hearing in
the presence of Mr.G.K.Muthukumaar, Advocate for the applicant in O.A.
Nos.469 and 470 of 2017 and for the Respondent in A. Nos.3386 & 3387 of
2017 and Mr.T.Sundaranathan, advocate for the respondents in O.A.
Nos.469 and 470 of 2017 and for the Applicants in A. Nos.3386 & 3387 of
2017, and upon reading the order herein dated 22.11.2019, and this court
having observed that when there is no identical/similar/deceptively
similarity between the mark of the applicant/plaintiff and the



respondent/defendant and even though the field of operation is one and the same, the area of operation is different and the trademark registered by the applicant/plaintiff abbreviation "CIT" in capital nowhere near similar to stylish small letter "cit" found in the logo of the respondent/defendant, therefore, this court finds no merit in the injunction application filed by the applicant/plaintiff, it is ordered as follows:-

That the order of ad-interim injunction granted in pursuance of the order dated 27.04.2017 made in O.A. Nos.469 & 470 of 2017 restraining the respondents therein, jointly and severally, its Trustees, Correspondents, Directors, Principal, Staff, Agents, Students, Representatives or anyone associated or related with them from in any manner (a) passing off their services as that of the applicant and thereby restraining them from using any trademark, trade name or word which is identical or deceptively similar to the applicant's trademark/trade name "CIT" or rendering or offering any services, advertisements, displaying or portraying or in any manner either directly or indirectly using or dealing or depicting the word "CIT", especially in their precincts and premises, on their buses and all vehicles, in their domain name www.citchennai.edu.in, and in their website web pages or in any manner whatsoever and (b) infringing the applicant's registered



thereby restraining them from using any trademark, trade name, abbreviation or word that is identical or deceptively similar to the applicant's said registration trademark "CIT", or rendering or offering any services, advertisements, displaying or portraying or in any manner either directly or indirectly using or dealing with or depicting the word "CIT", especially in their precincts and premises, on their buses and all their vehicles, in their domain name www.citchennai.edu.in, and as their website web pages or in any manner whatsoever, shall stand vacated.

2. That the O.A.No.469 and 470 of 2017 be and are hereby dismissed.

3. That the C.S.No.344 of 2017 be posted on 27.08.2021 for affidavit of admission and denial.

WITNESS THE HON'BLE MR. JUSTICE SANJIB BANERJEE,
CHIEF JUSTICE, HIGH COURT AT MADRAS AFORESAID, THIS THE
29th 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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09.08.2021

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O.A. Nos.469 & 470 of 2017
AND
A. Nos.3386 & 3387 of 2017
in
C.S. No.344 of 2017

ORDER :-

DATED : 29.07.2021

THE HON'BLE DR.JUSTICE
G.JAYACHANDRAN

FOR APPROVAL:09.08.2021

APPROVED ON :10.08.2021



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(ORDINARY ORIGINAL CIVIL JURISDICTION)

THURSDAY, THE 29TH DAY OF JULY 2021

THE HON'BLE DR.JUSTICE G.JAYACHANDRAN

O.A. Nos.469 & 470 of 2017

and

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in

C.S. No.344 of 2017

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... Applicant/Plaintiff

(in O.A. Nos.469 & 470 of 2017)

-Versus-

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2. Chennai Institute of Technology,

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3. Mr.P.Sriram,

Managing Trustee,
Parthasarathy Seniammal Educational Trust,
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3rd Main, Nulambur,
Chennai-600 037.

... Respondents/Defendants

(in O.A. Nos.469 & 470 of 2017)

**O.A. No.469 of 2017:-**

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Original Application praying that this Hon'ble Court be pleased to grant ad-interim injunction restraining the respondents 1 to 3 jointly and severally, its Trustees, Correspondents, Directors, Principal, Staff, Agents, Students, Representatives or anyone associated or related with them from in any manner passing off their services as that of the applicant and thereby restraining them from using any trademark, trade name or word which is identical or deceptively similar to the applicant's trademark/trade name "CIT" or rendering or offering any services, advertisements, displaying or portraying or in any manner either directly or indirectly using or dealing or depicting the word "CIT", especially in their precincts and premises, on their buses and all vehicles, in their domain name www.citchennai.edu.in, and in their website web pages or in any manner whatsoever, pending disposal of this suit.

O.A. No.470 of 2017:-

Original Application praying that this Hon'ble Court be pleased to grant ad-interim injunction restraining the respondents 1 to 3 jointly and severally, its Trustees, Correspondents, Directors, Principal, Staff, Agents, Students, Representatives or anyone associated or related with them from in any manner infringing the applicant's registered trademark "CIT" under

Trademark Registration No.2149954 in Class 41 and thereby restraining



them from using any trademark, trade name, abbreviation or word that is identical or deceptively similar to the applicant's said registration trademark "CIT", or rendering or offering any services, advertisements, displaying or portraying or in any manner either directly or indirectly using or dealing with or depicting the word "CIT", especially in their precincts and premises, on their buses and all their vehicles, in their domain name www.citchennai.edu.in, and as their website web pages or in any manner whatsoever, pending disposal of this suit.

A. Nos.3386 & 3387 of 2017:-

1. Parthasarathy Seniammal Educational Trust,
rep. by its Managing Trustee,
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Managing Trustee,
Parthasarathy Seniammal Educational Trust,
HIG-34, Raja Mannar Street,
3rd Main, Nulambur,
Chennai-600 037.
- ... Applicants/Respondents/Defendants

-Versus-

V.Rangasamy Naidu Educational Trust,



(a Trust registered under the Indian Trust Act, 1882)

rep. by its Managing Trustee, Dr.S.R.K.Prasad,
No.48, 2nd Floor, B.N.Road,
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... Respondent/Applicant/Plaintiff

A. No.3386 of 2017

Application praying that this Hon'ble Court be pleased to suspend the Order dated 27.04.2017 of Ex-parte Ad-Interim Injunction forthwith, passed in O.A. No.469 of 2017 in C.S. No.344 of 2017, pending disposal of the above OA.

A. No.3387 of 2017

Application praying that this Hon'ble Court be pleased to vacate the Ex-parte Ad-Interim Injunction Order dated 27.04.2017 passed in O.A. No.469 of 2017 in C.S. No.344 of 2017.

These Applications coming on this day before this court for hearing the court made the following order:-

On 21.07.2021, this Court has passed exparte interim injunction in favour of the applicant/plaintiff O.A.No.703 of 2017. The order reads as below:

“Notice returnable in three weeks. Private Notice permitted.

2.List on 11.8.2017.

3.There shall be an order of interim injunction restraining the defendants from infringing the applicant's registered trademark CIT under trademark Registration



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No.2149954 in class 41, as prayed for, till then.

4.Order 39, Rule 3 CPC to be complied with.”

Thereafter, the respondent has filed the application to vacate the said injunction order but however for some reason or another, the matter has been adjourned for nearly four years. Today, when the matter was taken up for hearing, the learned counsel for the applicant/plaintiff is not ready.

2.Learned counsel for the respondent/defendant would submit that the interim order was obtained by suppressing certain facts particularly trademark registered in favour of the respondent for his Institution, Chennai Institute of Technology. The applicant who claims exclusive right over the abbreviated name “CIT” can have no legal grievance or right against the respondent for using the word “CIT” (cit) in the logo of their institute “Chennai Institute of Technology”.

3.The case of the applicant is that “Coimbatore Institute of Technology” is renowned institute imparting technology education to student for several decades whereas the respondent herein has started their institution by name “Chennai Institute of Technology” and using the abbreviated sign of “CIT” in order to exploit the reputation of the



applicant/plaintiff. The domain name of the applicant/plaintiff is also imitated by the respondent/defendant. The fact borne by record indicates that the applicant/plaintiff institute located at Coimbatore is a Government aided institution and it has obtained registered trademark No.2149954 in class 41 for providing education and related service. The trademark registered certificate of the applicant/plaintiff is wordmark “CIT”. Its domain is www.cit.edu.in.

4.The respondent/defendant is running their institution at Chennai in the name of “Chennai Institution of Technology”. In their logo, they used the abbreviation “cit” along with butterfly devise in a stylish manner, which could be distinguished easily even by a person of average intelligence and poor recollection. Further, the respondent/defendant Institute has obtained for registration of their trademark and the plaintiff has filed application for rectification before the IBAB could not succeed.

5.This Court is of the view that when there is no identical/similar/deceptively similarity between the mark of the applicant/plaintiff and the respondent/defendant and even though the field of operation is one and the same, the area of operation is different and the trademark registered by the applicant/plaintiff abbreviation “CIT” in capital nowhere near similar to stylish small letter “cit” found in the logo of the respondent/defendant.



Logo of Applicant/Plaintiff

Logo of

Respondent/Defendant



Therefore, this Court finds no merit in the injunction application filed by the applicant/plaintiff. Hence, the injunction application in O.A.Nos.469 and 470 of 2017 are dismissed. The ex parte injunction granted stands vacated. Accordingly, the vacate injunction petitions in A.Nos.3386 and 3389 of 2017 are allowed.

6.Pleadings in this case is completed. For affidavit of admission and denial, post the matter on **27.08.2021**.

Sd./-(G.J.J.,)

29.07.2021

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Dated at Madras this the day of 2021.

COURT OFFICER(O.S.)

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