



C.S.No.301 of 2014

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 22.11.2022

CORAM

THE HON'BLE MR.JUSTICE M.SUNDAR

C.S.No.301 of 2014
(Comm. Suit)

1. Sangeetha Caterers & Consultants
A Partnership Firm
Rep. by its Partner P.Rajagopal
Having its registered office at
No.24, South Mada Street
Mylapore, Chennai-600 004.

2. P.Rajagopal
Trading as
M/s.Sangeetha Veg. Restaurant
No.24, South Mada Street
Mylapore, Chennai-600 004.

.. Plaintiffs

Vs.

New Sangeetha" Restaurant
9/128, Seelanaickanpatty Bye-Pass
Salem - 636 201.

.. Defendant

This Civil Suit is preferred, under Order IV Rule 1 O.S. Rules read with Order VII Rule 1 of CPC and Sections 134 and 135 of the Trademarks Act, 1999, praying

(a) Granting a permanent injunction restraining the defendant, its servants or agents or anyone who claiming through them from in any



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manner infringing the plaintiff's registered trademark "SANGEETHA" by using the offending, identical and / or deceptively similar trademark "NEW SANGEETHA RESTAURANT" for its identical restaurant business or any other mark or marks which are deceptively similar to or a colourable imitation of the plaintiff's celebrated, well known and well established, registered trademark "SANGEETHA" either by manufacturing or selling or offering for sale or in any manner advertising the same;

(b) Granting a permanent injunction restraining the defendant, its servants or agents or anyone claiming through them from in any manner passing off of its "restaurant business" by using the offending identical and / or deceptively similar mark "NEW SANGEETHA RESTAURANT", as and for that of the celebrated restaurant business of the plaintiff under the well known, well established and registered trademark "SANGEETHA" by selling or offering for sale, or in any manner advertising the same;

(c) Directing the defendant to render true and faithful accounts of the profits earned by it by using the offending identical and / or deceptively similar trademark "NEW SANGEETHA RESTAURANT", and payment of such profits to the plaintiffs for the passing off committed by the defendant;

(d) Directing the defendant to surrender all the unused offending bill books, name board, packing materials and other stationery articles bearing the offending trademark "SANGEETHA" or "NEW SANGEETHA RESTAURANT", for destruction;



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(e) Directing the defendant to pay to the plaintiff the cost of the suit and;

(f) Pass such further or other orders as may be deemed fit and proper on the facts and circumstances of the case.

For Plaintiffs	:	Mr.P.Rakesh Kumar, representing Mr.L.Rajasekar
For Defendant	:	Mr.S.Vinoth Kumar representing Mr.G.Arul Murugan

J U D G M E N T

Mr.P.Rakesh Kumar, learned counsel representing Mr.L.Rajasekar, counsel on record for plaintiffs and Mr.S.Vinoth Kumar, learned counsel representing Mr.G.Arul Murugan, counsel on record for lone defendant are before this Commercial Division.

2. Learned counsel for lone defendant submits that the defendant is not carrying on business in the alleged offending name any more.

3. Learned counsel for plaintiffs submits that in the light of the stated position of defendant, he has instructions from plaintiffs to withdraw the captioned suit. Saying so, learned counsel has made an



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endorsement in the case file and a scanned reproduction of the same is as follows:

4. Learned counsel reiterates the aforementioned endorsement in the hearing.

5. In the light of endorsement and reiteration of the same, captioned suit is closed as withdrawn. There shall be no order as to costs.

22.11.2022

Index : Yes/No
Speaking/Non-speaking order
mk

M.SUNDAR, J.



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mk

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