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C.S.(Comm.Div.)No.9 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.08.2023

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THE HONOURABLE MS. JUSTICE P.T.ASHA

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and

A.No.215 of 2023

M/s.Thalappakatti Naidu Anandha Vilas Biriyani Hotel,
Represented by its authorized signatory,
V.Kamesh,
Haivng its branch office at Flat No.B3,
New No.17, Old No.18A,
11th Street, Nandanam Extension,
Chennai.-600 035.

...Plaintiff

Vs.

Chennai Thalapakattu,
No.3, GST Road,
New Perungalathur,
Near Perungalathur Bus Stop AL Taj Hotel,
Chennai - 600 063

...Defendant

PLAINT FILED UNDER ORDER VII RULE 1 OF C.P.C. READ WITH
ORDER IV RULE 1 OF HIGH COURT O.S. RULES AND SECTION 134
AND SECTION 135 OF THE TRADE MARKS ACT, 1999, praying to
grant a judgement and decree on the following terms :-



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a) Granting Permanent injunction restraining the Defendant, their men, servants, agents or anyone claiming through or under them from in any manner infringing the Plaintiff Trade Mark and Trading style "Thalappakatti Briyani Hotel" by using the offending Trade Mark and Trading style "Chennai Thalapakattu" or any other mark or marks which are similar or in any way deceptively similar to or a colourable imitation of the Plaintiffs Trade Mark "Thalappakatti Briyani Hotel".

b) Granting a permanent injunction restraining the Defendant, their men, servants, agents or anyone claiming through or under them from in any manner Passing-off the Plaintiff Trade Mark and Trading style "Thalappakatti Briyani hotel" by using the offending Trade Mark and Trading style "Chennai Thalapakattu" or any other mark or marks which are similar or in any way deceptively similar to or a colourable imitation of the Plaintiffs Trade Mark "Thalappakatti Briyani hotel".

c) Directing the Defendant to render a true and faithful account of the profits earned by them through the sale of food products bearing the



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offending trade mark "Chennai Thalapakattu" and directing payment of such profits to the Plaintiff by way of damages for infringement committed by the Defendant.

d) Directing the defendant to surrender to Plaintiff the entire stock of unused offending goods with Trade Mark "Chennai Thalapakattu" with name board, labels, wrappers, boxes, covers, bags, packets, cartons, bills, advertisements, materials, report, envelops, brochures, printing blocks etc., bearing the offending Trademark for destruction.

e) Directing to the Defendant to pay the Plaintiff the costs of the suit and pass such further or other orders as this Hon'ble Court may deem fit and proper in the circumstances of the case.

For Plaintiff : Mr.Vijayan Subramanian

For Defendant : Mr.Irfan Nawaz Khan



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JUDGEMENT

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The learned counsel for the Plaintiff seeks permission of this Court to withdraw the suit since the defendant has changed their name from "Chennai Halal Thalapakattu Biriyan" to "Chennai Halal Biriyan" and he has also made an endorsement to that effect.

2. In view of the submission and endorsement made by the learned counsel for the Plaintiff, this Suit is dismissed as withdrawn. Consequently, the connected application is closed. No costs.

14.08.2023

Index : Yes/No
Internet : Yes/No
Neutral Citation : Yes/No
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P.T.ASHA, J.

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