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A.Nos.510 & 511 of 2023

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in
CS.(Comm.Div).No.136 of 2023

S.SOUNTHAR, J.

The instant applications have been filed by the applicants/plaintiffs seeking injunction restraining the respondents from infringement of its registered trademark AACHI and also committing passing off its products and services as that of the applicants.

2. It is averred by the applicants that the applicants have been using the trademark AACHI ever since 1995 and it is also stated that the first applicant is using the trademark AACHI NAMMA KITCHEN (word & Device) through its licensee, the third applicant. The applicants got the registration of the trade mark of AACHI. It is asserted by the applicants that the trade mark AACHI was registered by the Applicants on 29.01.1999, in Class 30. The first applicant had obtained the registration of the trademark AACHI CHETTINAD



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RESTAURANT under No.1116254 and AACHI KITCHEN under No.1715718 in respect of Food Preparations for Human Consumption.

3. It is also asserted by the applicants that it has got the registration for trade mark AACHI and its 238 variations in respect of various label and stylized marks. The applicants have been using the word AACHI from 1995 and it has become a registered trademark of the applicants by long usage and the applicants acquired enormous goodwill and reputation.

4. It is also stated by the applicants that earlier, the applicants filed a similar suit in C.S.No.195 of 2022 and also obtained an interim order. However, the said suit was dismissed on the ground that the applicants failed to comply with the Mandatory provision under Section 12 A of the Commercial Courts Act, 2015. Thereafter, the applicants had sent a Cease and Desist notice to the respondents on 11.01.2023 and the same were duly served on the respondents. However,



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the respondents have failed to comply with the Cease and Desist notice issued by the applicants.

5. It is seen from the averments and documents filed along with the applications, the first applicant is the owner of the registered trademark AACHI and its variations. If the respondents are allowed to use a similar trademark, it would cause irreparable injury and hardships to the applicants. In view of the same, the applicants have made out a prima facie case for grant of interim injunction. The balance of convenience is also in favour of the applicants. Accordingly, there shall be an order of interim injunction as prayed for till 06.07.2023.

15.06.2023
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