



C.S (Comm Div). No. 101 of 2023

WEB COPY IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 21.08.2023

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THE HONOURABLE Ms. JUSTICE P.T. ASHA

C.S (Comm Div). No. 101 of 2023

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O.A.Nos. 378 & 379 of 2023

&

A.No. 2528 of 2023

PAULSONS BEAUTY AND FASHION PRIVATE LIMITED,
Represented by its Authorised Signatory,
Shabnam Banu
Having registered address at
No. 12, Halls Road, Kilpauk,
Chennai – 600 010

... plaintiff

Vs.

SULTANI BIRIYANI,
No.36, Vinayagapuram Main Road,
I Block, Kamala Nehru Nagar,
Arumbakkam, Chennai – 600 106.

... defendant



Prayer: Plaintiff filed under Order VII Rule 1 of CPC read with Order IV Rule 1 of the Original Side Rules and Section 134 and 135 of the Trade Marks Act, 1999, for

A. Granting a 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 “SULTHAN’S BIRIYANI” by using the offending Trade Mark and Trading style “SULTANI BIRIYANI” 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 “SULTHAN’S BIRIYANI”.

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 “SULTHAN’S BIRIYANI” by using the offending Trade Mark and Trading style “SULTANI BIRIYANI” 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 “SULTHAN’S BIRIYANI”.

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 offending trade mark “SULTHANI” and directing payment of such profits to the Plaintiff by way of damages for Infringement committed by the Defendant.

D. 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 and thus render justice.

For Plaintiff : Mr. Vijayan Subramanian

For Defendant : No Appearance.



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JUDGEMENT

The learned counsel for the plaintiff has made an endorsement for withdrawing the suit since the defendant has changed their restaurant's name from “SULTANI” to “GRILL NIGHTS”. On the basis of the said endorsement, the suit is dismissed as withdrawn. Consequently, connected applications are closed. No costs.

21.08.2023

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

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