



C.S.No. 307 of 2019

WEB COPY IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 04.09.2023

CORAM

THE HONOURABLE Ms. JUSTICE P.T. ASHA

C.S. No. 307 of 2019
&
O.A.Nos. 493 and 494 of 2019

M/s. Thalappakatti Naidu Anandha Vilas

Biriyani Hotel,

rep by its partner, D.Nagasamy,

having its branch office at Flat No.B3,

New No.17, Old No.18A,

11th street, Nandanam Extension,

Chennai 600 035.

... plaintiff

Vs.

Chennai Halal Thalapakattu Biriyani,

No.156, Radha Nagar Main Road,

Radha Nagar, Chrompet, Chennai 600 044.

... defendant



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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 “Thalappakatti Biriyani Hotel” by using the offending Trade Mark and Trading style “Thalappakattu” 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 Biriyani 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 Biriyani Hotel” by using the offending Trade Mark and Trading style “Thalappakattu” or any other mark or marks



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which are similar or in any way deceptively similar to or a colourable imitation of the Plaintiffs Trade Mark “Thalappakatti Biriyani 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 offending trade mark “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 “Thalapakattu” with name boards, labels, wrappers, boxes, covers, bags, packets, cartons, bills, advertisements, materials, reports, envelops, brochures, printing blocks, etc., bearing the offending Trademark for destruction.

E. directing the defendant to pay to the plaintiff the costs to the suit.

For Plaintiff : Mr.Vijayan Subramanian

For Defendant : No Appearance.



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JUDGEMENT

The learned counsel for the Plaintiff has made an endorsement stating that the defendant has removed the trade mark “Thalapakattu”. Therefore, he seeks to withdraw the suit. On the basis of the said endorsement, the suit is dismissed as withdrawn. Consequently, the connected applications are closed. No costs.

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

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