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C.S (Comm Div). No. 112 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 17.07.2023

CORAM

THE HONOURABLE Ms. JUSTICE P.T. ASHA

C.S (Comm Div). No. 112 of 2023

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O.A.Nos. 429 & 430 of 2023

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A.No. 2630 of 2023

M/s. Thalappakatti Naidu Anandha Vilas Biryani Hotel,
Represented by its authorized signatory,
V. Kamesh (M - 42 years),
Having its branch office at Flat No. B3,
New No. 17, Old No. 18A,
11st Street, Nandanam Extension,
Chennai — 600 035

... plaintiffs

Vs.

Dindigul Biryani,
No. FGJRR-145, DD Village,
Thammanam, Kochi,
Kerala 692025.

... defendants



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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 “Thalappakatti Biriyani” in their menu 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 “Thalappakatti Biriyani” in their menu 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”.

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 “Thalappakatti biriyani” in their menu 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



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For Defendant : No Appearance.

ORDER

The learned counsel for the plaintiff has made an endorsement for withdrawing the suit since the defendant after the filing of the suit has removed the offending name from his place of business. Therefore, the plaintiff is no longer aggrieved. The suit is dismissed as withdrawn. Consequently, connected applications are closed. No costs.

17.07.2023

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

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