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C.S (Comm Div). No. 158 of 2023

**IN THE HIGH COURT OF JUDICATURE AT MADRAS**

**Dated : 01.09.2023**

**CORAM**

**THE HONOURABLE Ms. JUSTICE P.T. ASHA**

**C.S (Comm Div). No. 158 of 2023**

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**O.A.Nos. 571 & 572 of 2023**

**&**

**A.No. 3199 of 2023**

M/s. Thalappakatti Naidu Anandha Vilas Biriyani Hotel,  
... plaintiff

**Vs.**

Thalapakattu Biriyani,  
No.95, J.N. Road, V.M. Nagar,  
Opposite to Taluk Office,  
Tiruvallur.  
... defendant

**Prayer:** Complaint 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



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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 Biryani Hotel**” by using the offending Trade Mark and Trading style “**Thalappakattu Biryani**” 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 Biryani 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 Biryani Hotel**” by using the offending Trade Mark and Trading style “**Thalappakattu Biryani**” or any other mark or marks which are similar or in any way deceptively similar to or a colorable imitation of the Plaintiffs Trade Mark “**Thalappakatti**



**Biriyani Hotel”.**

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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 **“Thalappakattu biryani”** 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**

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The learned counsel for the plaintiff has made an endorsement for withdrawing the suit since the defendant has stopped using the name “**Thalappakattu**”. On the basis of the said endorsement, the suit is dismissed as withdrawn. Consequently, connected applications are closed. No costs.

**01.09.2023**

Internet : Yes/No  
Index :Yes/No  
Speaking / Non-Speaking  
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**P.T. ASHA. J,**

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