



C.S (Comm Div). No. 169 of 2023

WEB COPY IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 07.09.2023

CORAM

THE HONOURABLE Ms. JUSTICE P.T. ASHA

C.S (Comm Div). No. 169 of 2023

&

O.A.No. 601 of 2023

&

A.No. 3374 of 2023

M/s.Vel Chakra Coffee Private Limited,
Represented by its director M.Kumaaravelan
No.16/31, Kandappa Chetty Street,
Kothawal Bazaar,
Chennai – 600 001

... plaintiff

Vs.

1.M/s.Chennai Coffee House,
Rep. by its Propertior Vignesh Munusamy,
No.15 B, 27th Street, Thillai Ganga Nagar,
Nanganallur,
Chennai 600061

2.Manikandan

... defendants



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, Section 52 and 62 of the Copy Rights Act, 1957 and Section 7 of the Commercial Courts Act, 2015 for

(a) Granting a permanent injunction restraining the defendants, their men, servants, agents or anyone claiming through or under them from in any manner infringing the plaintiffs' Trade Mark “Madras Coffee House” by using the offending Trade Marks “ Chennai Coffee House” or “ Madras Filter Coffee” or any other mark or marks which are indetical or similar or in any way deceptively similar to or a colourable imitation of the plaintiffs' Trade Mark “Madras Coffee House”.

(b) Granting a permanent injunction restraining the defendants, their men, servants, agents or anyone claiming through or under them from in any manner passing off their Hotel , restaurant, Coffee Shop, Snack bar as that of the plaintiffs’ by using the offending Trade Mark “Chennai Coffee House” by using any other Trademark which is similar or deceptively similar or colourable imitation to that of the plaintiffs trade mark “Madras Coffee House”.



(c) Granting a Permanent Injunction restraining the defendants, their men, servants, agents or anyone claiming through or under them from in any manner committing infringement of copyright by using name board, display boards and sign boards Chennai Coffee House o; Madras Filter Coffee , using unique features of the plaintiffs celebrated trademarks “Madras Coffee House” with prefix / suffix, Colour combination, artistic work, arrangement of features, Getup, Layout, letter ,style, placement or expression or any other manner above whatso ever during the pendency of the above suit.

(d) Directing the defendants to render a true and faithful account of the profits earned by them through the sale of goods and service bearing the offending trade mark “ Chennai Coffee House” which is identical ,similar or deceptively similar to the Plaintiff trademark “Madras Coffee House” and directing payment of such profits to the plaintiffs by way of damages for passing off committed by the defendants.

(e) Directing the defendant to surrender of infringing display boards, blocks, bill books, and other materials and to pay the plaintiff the costs of the suit and grant such further or other reliefs as this Hon'ble Court may deem fit and proper in the circumstances of the case.



WEB COPY



C.S (Comm Div). No. 169 of 2023

For Plaintiff : Mr. V.Vijay Shankar

For Defendants : Mr. T.S.Vijaya Raghavan.

JUDGEMENT

It is brought to the notice of this Court by Mr. T.S.Vijaya Raghavan, learned counsel for the defendants that the defendants have sent a letter dated 05.09.2023 to the plaintiff herein, wherein the defendants have stated as follows:

“1. We started our shop on 17-5-2023 with the name “Chennai Coffee House” with your logo (we were not aware of that it was your logo and cannot be used). However once your staff objected we changed our logo to “Chennai Filter Coffee” with “Chennai Central Station” as the logo. This was reflected in our advocates reply notice dated 2-6-2023. Since your staff objected even for the same we changed it to “Madras Filter Coffee” with the very same logo on 7-6-2023. Since you had



WEB COPY



C.S (Comm Div). No. 169 of 2023

objections even for that with effect from 1-8-2023 we changed the logo to present “Metro Filter Coffee” with the logo “மெட்ரா டிம்பிளர்” as you may be aware off. Thus we have no intention of either infringing/using your trade mark, goading on the success of your trademark or passing of any product using your Trademark. Thus we are writing this letter to reiterate the factual situation and as conveyed by our Advocate you can prepare a draft memorandum of comprise.

2. Considering the fact that the defendants have clearly stated that they have no intention of using the trademark of the plaintiff, the suit is decreed in terms of the letter dated 05.09.2023. Consequently, the connected applications are closed. No costs.

07.09.2023

Internet : Yes/No
Index : Yes/No
Speaking / Non-Speaking
kan



WEB COPY



C.S (Comm Div). No. 169 of 2023

P.T. ASHA. J.,

kan

C.S (Comm Div). No. 169 of 2023

07.09.2023