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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29.08.2023

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THE HONOURABLE MR.JUSTICE SETHILKUMAR RAMAMOORTHY

Cont.P.No.346 of 2023
and Sub.A.No.622 of 2023

M/s.Anjappar Chettinad A.C.Restaurant
Rep. by one of its Partner Mr.A.Maruthapandian
No.7/2, J.P.Towers,
Thirumurthy Nagar Main Road,
Nungambakkam, (Nungambakkam High Road)
Chennai - 600 034.

... Petitioner

-vs-

Mr.Jayraj, Proprietor of Hotel Anjappar
Near Velankanni Bus Stand,
Velankanni, Nagapattinam District - 611 111.

... Respondent

PRAYER: Contempt Petition filed under Section 11 of the Contempt of Court Act, 1971, to punish the respondent for the willful disobedience of the Judgment and Decree dated 12.08.2022 passed by the Hon'ble High Court of Madras in C.S.(Comm.Div.) No.103 of 2022.

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For Petitioner : Mr.V.Avinesh

For Respondent : Mr.N.Palanikumar

ORDER

This contempt petition arises out of the Judgment and Decree dated 12.08.2022 in C.S.(Comm.Div.) No.103 of 2022. By the decree, the defendant was restrained from infringing the plaintiff's registered trademark ANJAPPAR CHETINAD A.C. RESTAURANT or passing off by using the trademark "Hotel Anjappar" or any mark deceptively similar thereto.

2. Since the defendant continued to use the infringing mark after the date of decree, the contempt petition was filed and a bailable warrant was issued to the Inspector of Police, B6 Police Station, Velankanni, to secure and produce the alleged contemnor on the next date of hearing.



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3. Pursuant to the above order dated 01.08.2023, Mr.Jayraj, Proprietor of Hotel Anjappar, is present in person in Court today. Sub.A.No.622 of 2023 has been filed by the alleged contemnor to recall the bailable warrant. In the affidavit in support thereof, at paragraph 8, the alleged contemnor has stated as under:

"8. I submit that I have changed my hotel name as "Hotel Chettinad" and myself never intended to use the "AnjapparChettinad A.C. Restaurant", Trade Mark or copy right owned by them. I am small hoteller, it is a non-A.C. Hotel and it is a seasonal business based on Shrine Velankanni visiting people and based on floating population. It is a fluctuating business based on tourist and running the same for the past eight years."

4. The alleged contemnor has also categorically apologized for not complying with the decree.



5. Learned counsel for the contempt petitioner submits that the change in name may be taken note of and the petition disposed of on the said basis.

6. After asserting that the alleged contemnor changed the name of his restaurant to Hotel Chettinad, photographs have been submitted as evidence of the same.

7. By taking note of the aforesaid, Cont.P.No.346 of 2023 and Sub.A.No.622 of 2023 are disposed of as follows:

(i) the bailable warrant issued on 01.08.2023 is hereby recalled and the alleged contemnor is set at large.

(ii) the contempt petition is closed.

29.08.2023

Index : Yes / No
Internet : Yes / No
Neutral Citation: Yes/ No

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SENTHILKUMAR RAMAMOORTHY,J

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