



O.A.Nos.782 & 783 of 2023 and A.No.4887 of 2023
in C.S (Comm. Div.) No.217 of 2023

ABDUL QUDDHOSE,J.

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The suit has been filed for infringement and passing off in respect of the trademark “CHENNAI SUPER KINGS”.

2.The plaintiffs are the registered owners of the trademark “CHENNAI SUPER KINGS”. The defendant is using the trademark “NOIDA SUPER KINGS”, which according to the plaintiffs is identical or deceptively similar to that of the registered trademark “CHENNAI SUPER KINGS”. The logo of the defendant's mark “NOIDA SUPER KINGS” is also similar to that of the plaintiffs' logo.

3.The plaintiffs have filed 24 documents along with the plaint. The overview of the plaintiffs' trademark and logo is found in document No.3 and the overview of the infringing materials by the defendant is found in document No.24, filed along with the plaint.

4.As seen from both the documents, it is *prima facie* found that the defendant has copied the trademark “SUPER KINGS” as well as the logo of the plaintiffs. “CHENNAI SUPER KINGS” is a reputed trademark and judicial notice



can also be taken with regard to the said trademark. The plaintiffs, prior to the filing of the suit, has sent a Cease and Desist notice to the defendant on 29.08.2023, which is filed as document No.18, which has also been received by the defendant as seen from document No.19. Despite the same, according to the plaintiffs, the defendant has been continuing to use the mark “SUPER KINGS” along with the logo.

5.The plaintiffs have filed O.A. Nos.782 & 783 of 2023 seeking for interlocutory reliefs. This Court, by its order dated 20.09.2023, after observing that the applicants/plaintiffs have made out a *prima facie* case for the grant of injunction as prayed for in O.A.Nos.782 and 783 of 2023, has granted interim injunction accordingly.

6.The notice in these applications has also been served on the respondent/defendant as seen from the affidavit of service filed by the learned counsel for the applicants/plaintiffs. The applicants/plaintiffs have enclosed the delivery report issued by the postal authorities in the affidavit of service filed by them, which confirms that the notice has been duly served on the respondent/defendant.



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7.Despite service of notice in those applications, no one has entered appearance on behalf of the respondent. Hence, the respondent/defendant is set aside in O.A. Nos.782 and 783 of 2023 as well as in A.No.4887 of 2023, which has been filed for joinder of cause of action.

8.Since the applicants/plaintiffs have made out a *prima facie* case and balance of convenience and irreparable hardship have also been established, this Court is inclined to make the interim injunction granted by this Court earlier by its order dated 20.09.2023 absolute and is also inclined to allow O.A. Nos.782 and 783 of 2023 as prayed for.

9.This Court is also satisfied with the reasons contained in the affidavit filed in support of A.No.4887 of 2023 seeking for joinder of cause of action.

10.For the foregoing reasons, O.A. Nos.782 and 783 of 2023 and A. No.4887 of 2023 are allowed as prayed for.

11.Await service of suit summons on the defendant. Registry is directed to submit a report to this Court with regard to the service of suit summons on the defendant on the next hearing date. Post the matter on 10.11.2023.

11.10.2023

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