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C.S. (Comm.Div.) No.266 of 2023, A. No.5861 of 2023 and O.A. Nos.934 and 935 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 10.11.2023

CORAM

THE HONOURABLE MR.JUSTICE ABDUL QUDDHOSE

C.S. (Comm.Div.) No.266 of 2023, A. No.5861 of 2023
and O.A. Nos.934 and 935 of 2023

M.Anees Ahmed

.. Plaintiff

/versus/

1.SK 7 Star Ambur Briyani India Private Limited

2.Star Ambur Biryani,
Poonamallee, Chennai.

3.Star Ambur Biryani,
Thiruverkadu, Chennai.

4.Star Ambur Biryani,
MGM Nagar, Chennai.

5.Star Ambur Biryani,
Tamil Nadu.

.. Defendants

Prayer: Civil Suit has been filed under Order VII Rule 1 of Code of Civil Procedure read with Order IV, Rule 1 of the High Court Original Side Rules and Sections 134 and 135 of the Trademarks Act, 1999 prays for judgment and decree:

a)granting a permanent injunction restraining the defendants, their men, servants, agents or anyone claiming through or under them from in



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any manner infringing the plaintiff's trademark and trading style "AMBUR STAR BRIYANI" by using the offending Trademark and Trading style "STAR AMBUR BIRIYANI" or any other mark or marks which are similar or in anyway deceptively similar to or a colorable imitation of the plaintiff's Trademark "AMBUR STAR BRIYANI";

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 the plaintiff Trademark and Trading style 'AMBUR STAR BRIYANI' by using the offending Trademark and Trading style "STAR AMBUR BIRIYANI" or any other mark or marks which are similar or in anyway deceptively similar to or a colorable imitation of the plaintiff's trademark "AMBUR STAR BRIYANI";

c)directing the defendants to surrender the plaintiff the entire stock of unused offending goods with trademark "STAR AMBUR BIRIYANI" with name boards, labels, wrappers, boxes, covers, bags, packets, cartons, bills, advertisements, materials, reports, envelopes, brochures, printing blocks, etc. bearing the offending trademark for destruction;

d)directing the defendants to pay the plaintiff the costs of the suit.

For Plaintiff: Mr.Vijayan Subramanian

For defendants : Mr.Ramasamy Meyappan

J U D G M E N T

Both the parties have arrived at an amicable settlement out of Court. They have filed a Joint Memorandum of Compromise dated



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09.11.2023, which has been duly signed by the respective parties and counter signed by the respective counsels.

2.In terms of the Joint Memorandum of Compromise dated 09.11.2023, this suit is decreed. The Joint Memorandum of Compromise dated 09.11.2023 shall form part of the decree.

3.The defendants are represented by Mr.Ramasamy Meyappan, learned counsel. While issuing the judgment and decree copy, the registry may incorporate his name as the counsel for the defendants. Consequently, connected Applications are closed. No costs.

10.11.2023

vga



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ABDUL QUDDHOSE, J.

vga

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