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C.S. (Comm. Div.) No.105 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 31.07.2024

Coram:

THE HONOURABLE MR. JUSTICE P.VELMURUGAN

C.S. (Comm. Div.) No.105 of 2024 and

O.A.No.401 of 2024 and

A.No.2796 of 2024

M/s.Sangeetha Caterers and Consultants LLP.

Represented by its Designated Partners:

1.Mr.P.Rajagopal

2.Mr.P.Suresh

Having their Registered Office at:

No.7, Gandhi Nagar, 1st Main Road, 4th Floor

Adyar, Chennai - 600 020

... Plaintiff

Vs.

M/s.Sangeetha Veg Restaurant

Represented by its Proprietor: Mr.R.Murugaiyan

No.116, Public Office Road,

Vellipalayam, Nagapattinam - 611 001

... Defendant

Prayer: The plaint is filed under Order IV Rule 1 of O.S. Rules and Order VII Rule 1 Code of Civil Procedure read with Sections 27, 134 and 135 of the Trademarks Act, 1999 & Proviso 1 of Section 7 of the



C.S. (Comm. Div.) No.105 of 2024

Commercial Courts Act, 2015, praying to pass judgment and decree on the following terms:

a. A permanent injunction restraining the defendants, their legal representatives, their successors in business, assigns, franchisees, servants or agents from operating the restaurant business by infringing the plaintiff's registered trademarks Sangeetha with Veena Mark, SVR Sangeetha, Sangeetha Veg. Restaurant SVR, Sangeetha Veg. Restaurant (with a VEENA MARK), "SVR Sangeetha EXPRESS" and "Sangeetha Veg Express" or by use of confusingly similar or any other mark deceptively and identically similar to the plaintiff's registered trademark or in any other manner whatsoever;

b. A permanent injunction restraining the defendants, their legal representatives, their successors in business, assigns, franchisees, servants or agents from operating restaurant business by name "சங்கீதா சைவ உணவகம்" or "Mura's Sangeetha Pure Vegetarian" or any other similar marks to that of the plaintiff's registered trademark from committing the act of passing off and enabling others in passing off the restaurant business in the deceptively similar mark which is identical to the plaintiff's registered trademark in any manner whatsoever;

c. The defendant be ordered to surrender to the plaintiff for destruction of all their packing containers,



C.S. (Comm. Div.) No.105 of 2024

card board boxes, packing materials, covers and carry bags, screen prints, bills, sign boards, billing software, menu cards, and any other material in their possession bearing the mark "சங்கீதா சைவ உணவகம்" or "Mura's Sangeetha Pure Vegetarian" or any other similar marks to that of the plaintiff's registered trademark which is identical to the plaintiff's registered trademark;

d. Directing the defendants to render the rendition of their accounts from the date of commencement of their restaurant till the date of filing of the plaint;

e. The defendant be ordered to pay to the plaintiffs a sum of Rs.10,00,000/- (Rupees Ten Lakhs Only) as damages for their wrongful and illegal act by use of the registered trademark;

f. for cost of the suit.

For Plaintiff : M/s.L.Rajasekar

For Defendant : Mr.T.Ananthasekar



C.S. (Comm. Div.) No.105 of 2024

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JUDGMENT

The matter is listed today under the caption "for reporting settlement".

2. Today (31.07.2024), when the matter is taken up for hearing, it is reported that the matter has been settled between the parties. On the side of the plaintiff, one Mr.P.Suresh, one of the Designated Partners of the plaintiff's firm appeared in person. On the side of the defendant, one Mr.R.Murugaiyan, proprietor of the defendant's restaurant appeared through video conferencing and they both have accepted that they have entered into compromise and the terms of compromise have been reduced into writing by way of Joint Compromise Memorandum dated 22.07.2024. They have also accepted that they understood the terms and conditions stipulated in the Joint Compromise Memorandum and also signed the same.



C.S. (Comm. Div.) No.105 of 2024

3. In view of above, this suit is decreed in terms of compromise. The said Joint Compromise Memorandum dated 22.07.2024 shall form part and parcel of this decree. There shall be no order as to costs.

4. Consequently, connected applications are closed.

31.07.2024

Index : Yes / No

Speaking Order : Yes / No

Neutral Case Citation : Yes/No

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C.S. (Comm. Div.) No.105 of 2024

P.VELMURUGAN. J.

Ksa-2

C.S. (Comm. Div.) No.105 of 2024 and

O.A.No.401 of 2024 and

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31.07.2024