



WEB COPY



O.A.No.460 of 2024 in
C.S (Comm.Div.).No.119 of 2024

O.A.No.460 of 2024 in
C.S.(Comm.Div.)No.119 of 2024

P.VELMURUGAN, J.

This application has been filed by the plaintiff seeking an order of injunction against the defendant from infringing the registered trademark of the applicant/plaintiff and operating the restaurant in the name and style of SANGEETHAS CHAI or any other similar name, pending disposal of the suit.

2 Learned counsel for the applicant/plaintiff would submit that the plaintiff namely M/s.Sangeetha Caterers and Consultants LLP is a limited liability partnership, represented by its designated partners. The applicant was floated in the year 2015 and the same was registered with the Registrar of Companies vide Conversion Certificate bearing LLP Aad-7003 dated 01.04.2015. The applicant/plaintiff was reconstituted on 01.04.2017, 01.04.2021 and 01.04.2022 vide various deeds.

2.1 The applicant/plaintiff obtained certificate for legal use of trade marks and are running the restaurants in the name of the registered trademarks and the applicant have 31 outlets in Chennai and suburbs and 20 outlets in



O.A.No.460 of 2024 in
C.S (Comm.Div.).No.119 of 2024

abroad and the turnover both in the direct outlets and in the franchisee outlets is more than Rs.400 crores approximately in the year ending 31.03.2023. In order to protect the artistic work “SVR Sangeetha” and “Sangeetha (with Veena Device)” the applicant/plaintiff had registered it under the Copy Right Act. The plaintiff engaged in the business of running restaurants and hotels for about 4 decades in India and abroad and during the course of business the plaintiff have honestly conceived and adopted several trademarks including the trade mark “Sangeetha with Veena Mark, SVR Sangeetha, Sangeetha Veg.Restaurant SVR, Sangeetha Veg.Restaurant (with a VEENA MARK), “SVR Sangeetha Express” and “Sangeetha Veg Express”. The applicant is having long, continuous and extensive use of the registered trademarks of the applicant and it has become the house hold name among the general public who visit the restaurant for vegetarian food and the customers identify the trademarks with that of the applicant.

2.2 The defendant's mark “SANGEETHA'S CHAI” is *prima facie*, visually, phonetically, structurally and absolutely identical to the plaintiff's registered trademarks “SVR SANGEETHA VEG. RESTAURANT”. The dishonest intention of the defendant is apparent from the fact that it has literally named their hotel with identical name “SANGEETHA'S CHAI”, which



O.A.No.460 of 2024 in
C.S (Comm.Div.).No.119 of 2024

increases the degree of deception and confusion in the minds of the public and hence the act of the defendant amounts to infringement of the plaintiff's trademark.

2.3 The plaintiff recently celebrated their 38th Anniversary by spending considerable amount for print and publicity in all platforms and the plaintiff has won many award for the service rendered by it. The plaintiff faced irreparable loss of goodwill among their customers due to the defendant's act of infringement of the registered trademark. In spite of legal notice caused by the plaintiff and the same was also acknowledged by the defendant, the defendant is operating the restaurant in the name of “SANGEETHA'S CHAI” and therefore it is just and necessary to restrain the defendant by an order of injunction from infringing the trademark and operating the business in the plaintiff's trademark.

3 Heard the learned counsel for the applicant/plaintiff.

4 Notice sent to the respondent/defendant through Court as well as privately, have been returned as “refused” and hence it is deemed service. None appeared on behalf of the respondent/defendant and the respondent is set ex-parte.



O.A.No.460 of 2024 in
C.S (Comm.Div.).No.119 of 2024

5
WEB COPY

A careful perusal of the affidavit filed in support of this application would go to show that the applicant/plaintiff made out *prima facie* case and balance of convenience is also in favour of the applicant/plaintiff. Unless the respondent/defendant is restrained by an order of injunction and if the respondent is allowed to run the Hotel in the name of identical mark of the applicant, the applicant would be put in irreparable loss of and therefore there shall be an order of interim injunction as prayed for in the application, till the disposal of the suit.

6 Accordingly, the application is allowed.

31.07.2024
(½)

cgi



WEB COPY



O.A.No.460 of 2024 in
C.S (Comm.Div.).No.119 of 2024

P.VELMURUGAN, J.

cgi

O.A.No.460 of 2024 in
C.S.(Comm.Div.)No.119 of 2024

31.07.2024