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C.S.(Comm.Div.) No. 159 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.10.2024

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THE HONOURABLE MR.JUSTICE K.KUMARESH BABU

**C.S.(Comm.Div.) No. 159 of 2024**  
**And O.A.No.617 of 2024, A.No.4469 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, 1<sup>st</sup> Main Road,

4<sup>th</sup> Floor, Adyar, Chennai- 600 020.

... Plaintiff

-VS-

M/s. HOTEL SANGEETHAM VEG

Rep. By its Proprietor

No.350/1, Door No.1/1508,

Kundrathur Main Road,

Kovur, Chennai- 600 022.

... Defendant

**PRAYER:** Civil Suit filed under Section 7 of the Commercial Courts Act, 2015  
read with Order VII Rule 1 of CPC seeking for following reliefs:-

*(A) a permanent injunction restraining the defendant, their legal representatives, their successors in business, assigns, franchisees, servants or agents from operating the restaurant business by infringing the plaintiffs registered trademarks “SVR SANGEETHA”, “SVR SANGEETHA VEG. RESTAURANT”, “SANGEETHA (with a VEENA MARK)”, “SANGEETHA VEG. RESTAURANT WITH*



**VEENA MARK” “Sangeetha Veg express (with a Veena Mark)” and “SVR Sangeetha 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 defendant, their legal representatives, their successors in business, assigns, franchisees, servants or agents from operating restaurant business by the name **“HOTEL SANGEETHAM VEG”** 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, 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 **“HOTEL SANGEETHAM VEG”** 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 defendant 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 plaintiff a sum of Rs.10,00,000/- (Rupees Ten Lakhs Only) as damages for



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*their wrongful and illegal act by use of the registered trademark;*

For Plaintiff : L.Rajasekar

For Defendants : No Appearance

**ORDER**

This suit has been filed seeking to grant injunction as against usage of impugned trade mark and also for damages.

2. When the matter is taken up for hearing, the learned counsel appearing for the plaintiff submitted that he had already filed a memo to permit the plaintiff to withdraw the suit.

3. Recording the said submissions made by the learned counsel for the plaintiff and on perusal of the said memo on record, this suit is dismissed as withdrawn.

4. Hence, the Registry is directed to refund the Court fee to the plaintiff as per the Rules applicable. Consequently, connected miscellaneous applications are closed.

**28.10.2024**



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Index : Yes/No

Speaking Order/ Non-Speaking Order

*Gba*

**K.KUMARESH BABU, J.**  
*Gba*

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