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C.S.(Comm.Div.) No.281 of 2023

IN THE HIGH COURT OF JUDICATUE AT MADRAS

DATED: 21.12.2024

CORAM

THE HONOURABLE MR. JUSTICE ABDUL QUDDHOSE

C.S.(Comm.Div.) No.281 of 2023

Mrs. Niraimathy Ilangovan,
No.7, Bury-side Close, Aldborough Road North,
Ilford, Essex IG2 7JF,
United Kingdom

.... Plaintiff

- VS -

1. M/s.Anjappan Authentic Chettinadu Restaurant, ;
Rep. by shri.A.Rengasamy,
No.71, Dr. Radhakrishnan Salai,
Mylapore, Chennai - 600 004.

2. Shri. A. Rengasamy.
No.71, Dr. Radhakrishnan Salai,
Mylapore, Chennai - 600 004.

3. Shri. A.Kandasamy,
No.71, Dr. Radhakrishnan Salai,
Mylapore, Chennai - 600 004.

4. Shri. A. Maruthupandian,
No.71, Dr. Radhakrishnan Salai,
Mylapore, Chennai - 600 004.

... Defendants

Prayer :- This suit is filed under Order IV of the Original Side Rules and



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Order VII Rule 1 of the C.P.C. read with Section 7 of the Commercial Courts Act, 2015, seeking,

a) permanent injunction restraining the Defendants, their relatives, agents, sister concerns, subsidiaries, servants or representatives or any third person through or under them from in any manner opening any restaurants in the trading name of "Anjappar" and/or any other name attached with the name "Anjappar which may be Identical and/or deceptively similar or under the franchise of "Anjappar Authentic Chettinadu Restaurant" directly or indirectly, including the one at 69 High Street, Ilford IG6 2AF, London, and the other at 262 Northholt Road, South Harrow, Harrow HA2 8HF, London or at any such place within a radius of 150 Kms from the outlet of the Plaintiff situated in London;

(b) permanent injunction restraining the Defendants from directly or indirectly opening or granting franchise or license to any third party, relatives, agents, sister company, subsidiaries, servants or representatives through or under them directly or indirectly to establish any restaurant/s under the franchise of "Anjappar Authentic Chettinadu Restaurant" or in the trading name of "Anjappar" and/or any other name attached with the name "Anjappar which may be identical and/or deceptively similar within a radius of 150 Kms from the outlet of the Plaintiff situated in London; and

(c) for costs of the suit to the Plaintiff.



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For Plaintiff : Dr.R.Maheswari

For D1 & D2 : Mr.P.K.Harinath Babu

For D3 : Mr.M.Sriram

For D4 : Mr.S.Wilson

JUDGMENT

The learned counsel for the plaintiff seeks permission of this Court to withdraw the suit, since this Court does not have jurisdiction to entertain the suit. However, she seeks liberty to proceed against the defendants before the appropriate forum in accordance with law. She has also made an endorsement in the court bundle to that effect. Accordingly, this suit is dismissed as withdrawn and the liberty as sought for by the plaintiff is granted.

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ABDUL QUDDHOSE,J.

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