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C.S.(Comm.Div.) No. 290 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.10.2024

CORAM

THE HONOURABLE MR.JUSTICE K.KUMARESH BABU

C.S.(Comm.Div.) No. 290 of 2023

M/s.Thalappakatti Naidu Anandha Vilas Briyani Hotel LLP,

Represented by its Authorized Signatory

Mr.V.Kamesh

Having its branch office at

Flat No. B3, New No.17

Old No.18A, 11th Street

Nandanam Extension

Chennai - 600035.

.... Plaintiff

-VS-

Thalappakattu Biriyan

Having its branch office at

Flat No. B3, New No.17

Old No.18A, 11th Street

Nandanam Extension

Chennai - 600035.

...Defendant

PRAYER: This Suit has been filed under Order VII Rule 1 of Code of Civil Procedure read with Order IV Rule 1 of High Court of O.S. Rules and Sections 134 and 135 of the Trade Marks Act, 1999 for the following reliefs:-

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



C.S.(Comm.Div.) No. 290 of 2023

manner infringing the Plaintiff Trade Mark and Trading style **"THALAPPAKATTI BRIYANI HOTEL"** by using the offending Trade Mark and Trading style **"THALAPPAKATTU BIRIYANI"** or any other mark or marks which are similar or in any way deceptively similar to or a colourable imitation of the plaintiff's Trade Mark **"Thalappakatti Briyani Hotel"**;

(b) Granting a permanent injunction restraining the defendant, their men, servants, agents or anyone claiming through or under them from in any manner **Passing-off the Plaintiff Trade Mark and Trading style "THALAPPAKATTI BRIYANI HOTEL"** by using the offending Trade Mark and Trading style **"THALAPPAKATTU BIRIYANI"** or any other mark or marks which are similar or in any way deceptively similar to or a colourable imitation of the Plaintiffs Trade Mark **"Thalappakatti Briyani Hotel"**;

(c) Directing the Defendant to render a true and faithful account of the profits earned by them through the sale of food products bearing the offending trade mark **"THALAPPAKATTU BIRIYANI"** and directing payment of such profits to the Plaintiff by way of damages for infringement committed by the Defendant;

(d) Directing the defendant to surrender to Plaintiff the entire stock of unused offending goods with Trade Mark **"THALAPPAKATTU 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;



C.S.(Comm.Div.) No. 290 of 2023

(e) Directing to the Defendant to pay the Plaintiff the costs of the suit and pass such further or other orders as this Court may deem fit and proper in the circumstances of the case.

For Plaintiff : Mr.Vijayan Subramanian
For Defendant : Sole Defendant-Set Exparte
Vide order dated 04.04.2024.

JUDGMENT

Today, when the matter was taken up for hearing, the learned counsel appearing for the plaintiff sought permission of this Court to withdraw the Civil Suit and had also made an endorsement to that effect in the Court bundle.

2. Recording the said submission of the learned counsel appearing for the plaintiff, this Civil Suit is dismissed as withdrawn. No costs.

21.10.2024

Index :Yes/No

Maya



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C.S.(Comm.Div.) No. 290 of 2023

K.KUMARESH BABU, J.

Maya

C.S.(Comm.Div.) No. 290 of 2023

21.10.2024