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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.03.2025

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THE HONOURABLE MR.JUSTICE SENTHILKUMAR RAMAMOORTHY

O.A.Nos.33 & 34 of 2025
in C.S.(Comm.Div.) No.16 of 2025

Mr Sajid Koyiloth
At No 111 New No 108
Santhome High Road Chennai

... Applicant

-VS-

Copper Kitchen
No.1, Cornwall St., Langford Rd.,
Nearby St. Joesphs University,
Akkithimana Halli, Langford Gardens,
Bengaluru, Karnataka - 570 025.

... Respondent

For Applicant : Mr.Vijayan Subramanian

ORDER

The suit was filed for relief in respect of alleged infringement and passing off by use of the impugned mark COPPER KITCHEN in relation to the restaurant business.

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WEB COPY 2. By order dated 10.01.2025, an ad interim injunction as prayed for was granted in both the original applications. Pursuant thereto, after issuing private notice to the respondent, the plaintiff filed affidavit of service dated 31.01.2025. Upon taking note of such affidavit of service, it was recorded at the hearing on 19.02.2025 that notice was served on the respondent on 16.01.2025. Therefore, the Registry was directed to print the name of the respondent in the cause list. In spite of doing so, at today's hearing, the respondent continues to remain unrepresented. Therefore, the matter is proceeded with in the absence of the respondent.

3. Learned counsel for the plaintiff invited my attention to the registration certificate pertaining to the trade mark



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He points out that such registration is in respect of provision of services in relation to food, hotels, restaurants and the like. He also submits that the registration is with effect from 20.08.2013. In order to substantiate use of the trade mark, learned counsel refers to bills issued by the plaintiff. After pointing out that the plaintiff carries on business under the name and style of COPPER KITCHEN, learned counsel also referred to the licence issued by the Tamil Nadu Food Safety and Drug Administration Department and the Income Tax Returns filed in the name of COPPER KITCHEN. By referring to the impugned mark, learned counsel submits that the impugned mark is identical and is used in respect of an identical business.



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4. The documents on record indicate that the plaintiff is the registered proprietor of the trade mark extracted above in Class 43 in respect of food catering, hotels, restaurants, etc. The plaintiff has placed on record evidence of use of the trade mark in the form of bills, Income Tax Returns and other documents. The suit was preceded by a cease and desist notice dated 14.10.2024, which was received by defendant on 22.10.2024, but not replied to. As stated earlier, in spite of receiving notice in these applications, the defendant has chosen not to enter appearance and contest these proceedings.

5. In the facts and circumstances set out above, a strong *prima facie* case is made out. Unless the orders of interim injunction are extended, irreparable injury is likely to be caused. Therefore, these applications are allowed by making the orders of interim injunction absolute.

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SENTHILKUMAR RAMAMOORTHY,J

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