



C.S.(Comm.Div.) No.34 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

WEB COPY

DATED: 07.04.2025

CORAM

THE HONOURABLE **MR.JUSTICE SENTHILKUMAR RAMAMOORTHY**

C.S.(Comm.Div.) No.34 of 2025
and O.A.Nos.82 & 83 of 2025
and A.No.434 of 2025

Mr.R.V.Vinoth Kumar,
Sole Proprietor of
Manjal Restaurant,
No.6/9, Kasturi Estate,
3rd Street, Poes Garden,
Chennai 600 018.

... Plaintiff

-VS-

Manjal
Sri Kandy Farms,
No.238, Part Uzhaipalar Street,
Vellakinar Road, Vellakinar Village,
Coimbatore 641 029.

... Defendant

PRAYER: Civil Suit (Commercial Division) filed under Order VII Rule 1
CPC And Order IV Rule 1 of O.S.Rules under Sections 134 and 135 of the
Trade Marks Act, 1999, praying to grant a judgment and decree on the
following terms:-

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WEB COPY (a). Granting a permanent injunction restraining the Defendant, their men, servants, agents or anyone claiming through or under them from in any manner **Infringing** the Plaintiff Trade Mark and Trading style “**MANJAL RESTAURANT**” by using the offending Trade Mark and Trading style “**MANJAL**” 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 “**MANJAL RESTAURANT**”.

(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 “**MANJAL RESTAURANT**” by using the offending Trade Mark and Trading style “**MANJAL**” 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 “**MANJAL RESTAURANT**”.

(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 “**MANJAL**” and directing payment of such profits to



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the Plaintiff by way of damages for Infringement committed by the
Defendant.

(d). Directing to the Defendant to pay the Plaintiff the costs of the
suit.

For Plaintiff : Mr.M.Dhanush
for Mr.Vijayan Subramanian

JUDGMENT

The suit was filed requesting for relief in respect of alleged infringement of trade mark and passing off relating to the plaintiff's trade mark MANJAL. An order of ad interim injunction was issued on 31.01.2025. Learned counsel for the plaintiff has filed memo dated 07.04.2025 today. In the memo, it is stated that the defendant has changed its name and stopped using the impugned mark MANJAL in relation to its restaurant business. In view thereof, the plaintiff prays that the suit be closed with liberty to the plaintiff to file a fresh suit in case of the use of the impugned mark in future by the defendant.



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2. By taking note of the memo, C.S.(Comm.Div.) No.34 of 2025 is

disposed of by granting leave to the plaintiff to re-apply in case the defendant resumes use of the impugned mark. There shall be no order as to costs. Consequently, the connected applications are also closed.

07.04.2025

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Index : Yes / No

Internet : Yes / No

Neutral Citation: Yes / No



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