



C.S.(Comm.Div.) No.33 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

WEB COPY

DATED: 26.02.2025

CORAM

THE HONOURABLE **MR.JUSTICE SENTHILKUMAR RAMAMOORTHY**

C.S.(Comm.Div.) No.33 of 2025
and O.A.Nos.80 & 81 of 2025
and A.No.433 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 Manam Multi-Cuisine Restaurant,
368, Velan Kaappi Building,
G V Residency,
Sowripalayam,
Coimbatore 641 028.

... Defendant

PRAYER: Civil Suit (Commercial Division) filed under Order VII Rule 1 of Code of Civil Procedure and Order IV Rule 1 Original Side Rules and 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 MANAM MULTI-CUISINE RESTAURANT' 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 '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 MANAM MULTI-CUISINE RESTAURANT' 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 'MANJAL RESTAURANT'.



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WEB COPY (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 MANAM MULTI-CUSINE RESTAURANT' and directing payment of such profits to 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

Memo dated 25.02.2025 has been filed on behalf of the plaintiff. In the said memo it is stated that the defendant closed the restaurant bearing the impugned mark and also shifted the place of business. Consequently, it is stated that the cause of action for continuing to prosecute the suit before this Court does not survive.



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WEB COPY 2. By recording the above, the suit is disposed of. There shall be no order as to costs. Consequently, the connected applications are closed.

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Index : Yes / No

Internet : Yes / No

Neutral Citation: Yes / No



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