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OP (TM) No.23

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.11.2025

CORAM

THE HONOURABLE MR. JUSTICE N.SENTHILKUMAR

OP (TM) No.23 of 2025

M/s.Sangeetha Caterers and Consultants LLP,
rep. by its Designated Partners

.. Petitioner

vs.

1.M/s.Sangeetham House of Veg,
rep. By its Proprietor S.Nimesh Edwin

2.The Registrar of Trademarks,
Anna Salai, Guindy Industrial Estate,
SIDCO Industrial Estate,
Guindy, Chennai,
Tamil Nadu 600 032.

.. Respondents

Prayer: Petition filed under Sections 47 and 57 of the Trade Marks Act, 1999 to rectify the Trademark Register of the second respondent by removing, expunging or/and cancelling the Trademark SANGEETHAM HOUSE OF VEG bearing Certificate No.3477530 and Trademark No.5913237.

For petitioner : Mr.P.Rakesh Kumar

For respondents : Mr.S.Deenathayalan for
M/s.S.Jayaharan for
M/s.Ramalingam & Associates for R1



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ORDER

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This petition has been filed to rectify the Trademark Register of the second respondent by removing, expunging or/and cancelling the Trademark SANGEETHAM HOUSE OF VEG bearing Certificate No.3477530 and Trademark No.5913237.

2.The brief facts of the petitioner are as follows:

The petitioner is a Limited Liability Partnership Firm and the same was floated in the year 2015 and was registered with the Registrar of Companies vide Conversion Certificate bearing LLP AAD-7003 dated 01.04.2015 and the same was reconstituted on 01.04.2017, 01.04.2021 and 01.04.2022 vide various Deeds. One of the Designated Partners Mr.P.Suresh, had established Hotel Sangeetha Veg Restaurant in the year 1985, having its first outlet at No.53, Armenian Street, Parrys Corner, Chennai 600 001. Thereafter, the petitioner firm had inducted 2 more partners, namely Ms.Sanjana Suresh and Mr.Anirudh Rajagopal into the

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petitioner firm vide a Reconstituted Partnership Deed dated 01.04.2022. All the trademarks which stood in the name of the Partnership Firm were sought to be

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registered in the name of the subsequent owner viz. M/s.Sangeetha Caterers and Consultants LLP, the petitioner herein by submitting Form 24 dated 19.02.2016 before the Registrar of Trademarks on 22.02.2016 and the same was allowed vide a communication from the registry dated 17.03.2018 informing that the application for change of ownership is allowed for the below mentioned trademarks, which are the details of the certificates for registration of Trade Marks under Class 42:

<i>Sl.Nos.</i>	<i>Trade Mark Certificate</i>	<i>Class</i>	<i>Symbol</i>
1.	1441849	42	SVR Sangeetha
2.	1464536	42	Sangeetha Veg. Restaurant SVR
3.	1441854	42	Sangeetha (Device of Veena)
4.	1464537	42	Sangeetha Veg Restaurant (Device of Veena Mark)
5.	4877037	43	Sangeetha VEG Express
6.	4877039	43	SVR Sangeetha EXPRESS



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3.Learned counsel for the petitioner would submit that the first respondent's restaurant is located in Thiruchendur with a malafide intention to pass off the first respondent's foods as that of the petitioner foods. The first respondent has named the restaurant as “SANGEETHAM” by adding the letter “M” after the word “SANGEETHA”, below which in a small font, the first respondent had added the words “House of Veg”. Learned counsel for the petitioner further submitted that in the Restaurant Name Board, the logo “S” is also used in a deceptively similar manner to that of the petitioner's registered Trademark SANGEETHA (with a VEENA MARK) bearing Registration No.1464537, thus causing infringement of the petitioner's registered Trade Mark. Learned counsel for the petitioner further submitted that on verification of the official website of the Trade Mark Registry, the petitioner came to know that the first respondent had filed an application for registration of his restaurant's name in the Trade Mark Registry. Therefore, the petitioner was constrained to file a suit in C.S. No.235 of 2024 before this Court to restrain the first respondent from infringing the registered Trade Mark of the petitioner. This Court vide order dated 23.02.2024 in O.A. No.121 of 2024 had granted an order of interim injunction restraining the first respondent from



infringing the registered trademark of the petitioner as well as from using the impugned mark.

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4.Learned counsel for the petitioner would further submit that pursuant to the fact that the first respondent had agreed to change the name of their restaurant, the petitioner and the first respondent had entered into a Joint Compromise Memo dated 25.03.2024, wherein the first respondent had agreed to change the name of their restaurant as “Ragam House of Veg” along with many other conditions. Accordingly, a decree was passed by this Court in C.S. No. 235 of 2024, based on the Joint Compromise Memo on 26.03.2024. Subsequent to the same, on 21.06.2024, when one of the representatives of the petitioner visited the first respondent's restaurant, they had found that the first respondent was continuing to use the impugned mark proposed to be removed. On verification, it was found that the impugned mark of the first respondent was registered before the second respondent vide Trademark No.5913237 on 03.05.2024. Since the first respondent has suppressed about the entire suit proceedings before the second respondent and has got his mark registered, this petition has been filed seeking for the above



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5.By way of filing a counter affidavit on behalf of the first respondent, the learned counsel for the first respondent submits that the petitioner filed C.S. No. 235 of 2024 and the first respondent appeared through counsel and entered into a joint compromise memo dated 25.03.2025 and the first respondent also agreed in the compromise memo that first respondent would change the name of the restaurant to "Raagam House of Veg". Learned counsel for the first respondent submitted that the first respondent has not merely changed the restaurant name, but, has completely closed the business, operating under the name "Sangeetham House of Veg." and now there is no restaurant functioning under that mark or trade name by the first respondent. Learned counsel for the first respondent submitted that the first respondent is a bonafide individual, acting in good faith and they had filed an application for registration of the trademark before the second respondent on 20.04.2023. After due verification and all necessary background checks, the second respondent granted the trademark to the first respondent. The official approval itself is a concrete evidence that there was no deceptive similarity



between the marks and if the name or logo was similar or likely to cause confusion, the second respondent would not have granted the certificate of registration to the first respondent.

6. Heard the learned counsel for the petitioner and the learned counsel for the first respondent and perused the documents available on record.

7. It is pertinent to note that in view of the compromise memo dated 25.03.2024 entered into between the petitioner and the first respondent, this Court vide order dated 26.03.2024 made in C.S. (Comm.Div.) No.35 of 2024 decreed the suit as per the terms of the joint compromise memo in the following manner:

'1) That the defendant herein has agreed to change the name of the Restaurant as "Hotel Raagam - House of Veg"

2) That the defendant herein has agreed to change the main sign board on or before 30.04.2024. The defendant undertakes to change all the packing containers, card board boxes, packing materials, plastic covers and carry



bags, screen prints, bills, billing software, menu cards and any other material in their possession bearing the mark "Sangeetham".

3) That the defendant herein further undertakes to change the name of the restaurant in the FSSAI License, GST Registration Certificate, all forms of E-Commerce Platforms such as Swiggy Zomato etc., and in all the social media platforms on or before 30.04.2024.

4) That the Plaintiff and the defendant state that the abovesaid compromise has been arrived on their own volition considering the development of their businesses.

5) That the defendant herein undertakes to handover the Color Print Out of the Proposed Logo, Symbol and Style of the new Trade Name of their restaurant to the Plaintiff for their consent before 30.04.2024.

6) That the Plaintiff herein is giving up their relief sought for Damages in the suit. In the event of Violation of the Terms of Compromise by the Defendant, the Plaintiff shall be given the right to proceed against them in accordance with law.'

8. More specifically in the above joint compromise memo, in clause 1, the first respondent had agreed to change the name of the Restaurant as "Hotel Raagam - House of Veg" and on the basis of the said joint memorandum of compromise, the above suit was decreed. Despite the same, the first respondent has registered their Trade mark as "Sangeetham House of Veg" with a Logo 'S' on



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03.05.2024 vide Trademark registration No.5913237 dated 20.04.2023 vide

Journal No.2128, which is extracted hereunder:

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प्राप्त 30/04/2023
दिनांक 30-04-2023
प्रमाणित No. 5813237

ब्रह्मचार चिन्ह रजिस्ट्री, भारत सरकार Trade Marks Registry, Government Of India
ब्रह्मचार चिन्ह अधिनियम, 1999 Trade Marks Act, 1999
ब्रह्मचार चिन्ह के रजिस्ट्रेशन का प्रमाणपत्र | Certificate of Registration of Trade Mark
(धारा 23 (2), नियम 56 (1)) (Section 23 (2), Rule 56 (1))

ब्रह्मचार चिन्ह संख्या / Trade Mark No.: 5813237
दिनांक / Date: 20-04-2023
ज. संख्या / J. No.: 2128

प्रमाणित किया जाता है कि ब्रह्मचार चिन्ह / निम्नलिखित प्रतिष्ठान द्वारा सार्वजनिक रूप से प्रयुक्त है, यह
संख्या के अंतर्गत रजिस्ट्रेशन के तहत
के संबंध में रजिस्ट्रेशन किया गया है

Granted for Trade Mark (in Supermarket) is entered 2023, for 30% registered on
names of NIMESH BOWEN B. 44210, CALDWELL COLONY 2ND STREET THOOTHUKUDI
TAMIL NADU - 628008 THE TRADE MARKS ACT, 1999 (Bihar Film)

श्रेणी 49 Class No. 5813237 notified 20 April 2023, registered

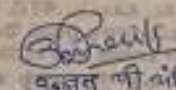
Goods and service as annexed



20/04/2023 के दिनांक पर जारी किया गया है
Sangeetham 05th day of May, 2024



ब्रह्मचार चिन्ह रजिस्ट्री संस्था
Trade Marks Registry (MUGRA)


ब्रह्मचार चिन्ह रजिस्ट्रार
Registrar of Trade Marks



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9. When a joint compromise memo dated 25.03.2024 was entered into between the petitioner and the first respondent and this Court vide order dated 26.03.2024

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made in C.S. (Comm.Div.) No.35 of 2024 decreed the suit as per the terms of the joint compromise memo, the registration of the first respondent with the trademark registrar on 20.04.2023, suppressing all these facts, in the name of the first respondent should be rectified.

10. With the above observation, this petition is allowed and the second respondent shall remove, expunge or/and cancel the Trademark SANGEETHAM HOUSE OF VEG bearing Certificate No.3477530 and Trademark No.5913237 forthwith.

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N.SENTHILKUMAR,J.

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