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C.S.(Comm.Div.) No.156 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.03.2026

CORAM:

THE HONOURABLE MR. JUSTICE SENTHILKUMAR RAMAMOORTHY

C.S.(Comm.Div.) No.156 of 2025
and
A.No.2834 of 2025

M.Anees Ahmed
Sole Proprietor
M/s.Ambur Star Briyani
Having its Office at No.116/1, Arcot Road,
Vadapalani, Chennai – 600 026.

.. Plaintiff

VS

AMBUR STAR BRIYANI
No.52, Next to Indian Oil,
Sankaranpalayam,
Vellore – 632 001.

.. Defendant

Plaint filed under Order IV Rule 1 of CPC read with Order IV Rule 1 of High Court O.S. Rules and Section 135 of the Trade Marks Act, 1999, praying for a judgment and decree on the following terms:

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 "AMBUR STAR BRIYANI" by using the offending Trade Mark



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and Trading style "AMBUR STAR BRIYANI" or any other mark or marks which are similar or in any way deceptively similar to or a colorable imitation of the Plaintiff's Trade Mark "AMBUR STAR BRIYANI";

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 "AMBUR STAR BRIYANI" by using the offending Trade Mark and Trading style "AMBUR STAR BRIYANI" or any other mark or marks which are similar or in any way deceptively similar to or a colorable imitation of the Plaintiff's Trade Mark "AMBUR STAR BRIYANI" ;

c. Directing the Defendant to surrender the entire stock of unused offending goods with Trade Mark "AMBUR STAR BRIYANI" 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;

d. Directing to the Defendant to pay the Plaintiff the costs of the suit and Pass such further or other orders as this Hon'ble Court may deem fit



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and proper in the circumstances of the case and
thus render justice.

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

JUDGMENT

This suit was filed for remedies in respect of alleged trade mark infringement and passing off. The suit summons was served on the sole defendant on 13.08.2025. On 22.10.2025, the defendant was set *ex parte*. Until date, the defendant has failed to enter appearance or apply to set aside the order setting the defendant *ex parte*.

2. The plaintiff adduced *ex parte* evidence by examining Mr.M.Anees Ahmed, Sole Proprietor, of the plaintiff on 07.01.2026. In course of the examination in chief of P.W.1, 35 documents were exhibited as Exs.P1 to P35.

3. Learned counsel for the plaintiff submits that the plaintiff's great grandfather started the restaurant business in the year 1890 under the name and style of AMBUR STAR BRIYANI. He also submits that the plaintiff has 48 restaurants operating under the name and style AMBUR STAR BRIYANI, including one restaurant each in Dubai



and Singapore. He points out that the plaintiff obtained registration of the following device mark under Class 43 in respect of hotel and restaurant services with effect from 05.11.2013 (Ex.P18) and that the said mark was renewed under Ex.P28 for a period of ten years from 05.11.2023.



4. By referring to the comparison of the plaintiff's mark and the impugned mark (Ex.P35), learned counsel submits that the defendant's mark is deceptively similar. Since the defendant is the later user of a deceptively similar mark, learned counsel submits that the plaintiff is entitled to a decree as prayed for.

5. In the proof affidavit, P.W.1 has asserted that the mark AMBUR STAR BRIYANI is being used since the year 1890. Evidence of use by way of articles published in news papers relating to awards won by the plaintiff have been exhibited as Exs.P1 to P3. The registration certificate issued by the Trade Marks Registry, legal



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use certificate and the renewal certificate have been exhibited as Exs.P18, P20 and P28. The suit was preceded by cease and desist notice dated 03.12.2024 (Ex.P32).

6. The above evidence leads to the conclusion that the plaintiff is the prior user and the registered proprietor of the trade mark. On comparison of the plaintiff's mark and the defendant's mark (Ex.P35), I conclude that the marks are deceptively similar. They are applied in relation to identical businesses. Therefore, the use of the impugned mark is likely to cause deception or confusion among the relevant section of the public. In the face of the evidence adduced by the plaintiff and in the absence of contra evidence, the plaintiff is entitled to the suit claim. Therefore, the suit is decreed in terms of paragraphs Nos.34(a) to 34(c) of the plaint. As the successful party, the plaintiff is entitled to costs. The defendant is also directed to pay a sum of Rs.3,00,000/- as costs towards court fee, lawyer's fees and other expenses. Consequently, connected application is closed.

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Index:Yes/No
Neutral Citation:Yes/No
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Plaintiff's witness:

P.W.1 – Mr.M.Anees Ahmed

Documents exhibited by the Plaintiff:

<i>Sl. No.</i>	<i>Exhibits</i>	<i>Description</i>
1	Ex.P1	Dinathanthi newspaper article photo showing applicant's father and his elder brother Mr.Muneer Ahmed receiving the award for Star Briyani, as the best Briyani hotel in Ambur from Gnanasekar, M.L.A, in the year 1992.
2	Ex.P2	Article published in Tamil Murasu about Star Briyani, in the year 2003.
3	Ex.P3	Article published in Anandha Vikatan about Star Briyani, in the year 2003.
4	Ex.P4	Photo showing the plaintiff of Star Briyani and the video telecasted in Jaya TV, dated 15.03.2006.
5	Ex.P5	Photocopy of the certificate issued by Labour Department, dated 31.12.2003.
6	Ex.P6	Photocopy of the certificate of registration issued by the Commercial Tax Officer, dated 04.05.2005.
7	Ex.P7	Photocopy of the acknowledgment issued by the Department of Industries and Commerce, dated 12.10.2008.
8	Ex.P8	Photocopy of the fire service license issued by the Fire and Rescue Service Department, dated 23.02.2009.
9	Ex.P9	Photocopy of the license issued by the Corporation of Chennai, dated 12.06.2009.
10	Ex.P10	Photocopy of the receipt issued by BSNL, dated 10.08.2009.
11	Ex.P11	Photocopy of the bill issued by Shree Traders, dated 13.06.2011
12	Ex.P12	Photocopy of the certificate of registration issued by Commercial Tax Department, dated 16.10.2012.



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Sl. No.	Exhibits	Description
13	Ex.P13	Photocopy of the certificate of registration issued by Commercial Tax Department, dated 16.10.2012.
14	Ex.P14	Photocopy of the acknowledgment issued by the Department of Industries and Commerce, dated 04.11.2013.
15	Ex.P15	Photocopy of the certificate issued by the Department of Industries and Commerce, dated 04.11.2013.
16	Ex.P16	Photocopy of the ISO Certificate, dated 17.10.2015.
17	Ex.P17	Photocopy of the Certificate issued by Bharat Sevak Samaj, dated 21.02.2017.
18	Ex.P18	Photocopy of the trademark registration certificate in the name of the plaintiff, dated 01.08.2018.
19	Ex.P19	Photocopy of the article issued in Kungumam Magazine about Ambur Star Briyani, dated 15.02.2019.
20	Ex.P20	Photocopy of the legal usage certificate issued in the name of the plaintiff, dated 26.06.2023.
21	Ex.P21	Photocopy of the ISO certificate issued for the present assessment year, dated 14.09.2020.
22	Ex.P22	Photocopy of the Udyam Registration Certificate, dated 19.09.2020.
23	Ex.P23	Photocopy of the GST Registration Certificate, dated 16.07.2022
24	Ex.P24	Photocopy of the order passed in OA.Nos.1009 and 1010 of 2019 in C.S.(Comm.Div.)No.648 of 2019, dated 11.11.2019
25	Ex.P25	Photocopy of the order passed in OA.Nos.1096 and 1097 of 2019 in C.S.(Comm.Div.) No.694 of 2019, dated 03.01.2020.
26	Ex.P26	Photocopy of the order passed in OA.Nos.171 and 172 of 2020 in C.S.(Comm.Div.)No.129 of 2020, dated 18.03.2020.



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Sl. No.	Exhibits	Description
27	Ex.P27	Photocopy of the order passed in OA.Nos.581 and 582 of 2023 in C.S.(Comm.Div.)No.162 of 2023, dated 27.06.2023.
28	Ex.P28	Photocopy of the renewal certificate of the trademark under Clause 43 issued by the Trademark Registry, dated 19.08.2023.
29	Ex.P29	Photocopy of the Trademark application No.2623341 filed by the plaintiff
30	Ex.P30	Web copy of the order passed in O.A.Nos.28 and 30 of 2024 in C.S.(Comm.Div.)No.12 of 2024, dated 12.01.2024.
31	Ex.P31	Photocopy of the Judgment passed by the Hon'ble High Court in C.S.(Comm.Div.)No.43 of 2024, dated 26.04.2024.
32	Ex.P32	Photocopy of the Legal notice issued by plaintiff to Defendant along with tracking receipt, dated 03.12.2024.
33	Ex.P33	Photograph of the plaintiff hotel.
34	Ex.P34	Photograph of the defendant hotel
35	Ex.P35	Comparison chart of the plaintiff and defendant hotel

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SENTHILKUMAR RAMAMOORTHY,J.

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