2026:MHC:4379

Order QR

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

Reserved on:01.10.2026	Pronounced on: 30.10.2026

CORAM

THE HON'BLE MR.JUSTICE P.B. BALAJI

OA No. 673 of 2026
in
C.S(COMM DIV) NO. 192 OF 2026 & A NO. 2836 OF 2026

M/S. Sangeetha Caterers and Consultants LLP
Represented by its Designated Partners:
1.Mr.P.Rajagopal
2.Mr.P.Suresh
Having their Registered Office at:
No. 7, Gandhi Nagar, 1st Main Road, 4th Floor,
Adyar, Chennai - 600 020.

..Plaintiff(s)

Vs

M/s.Hotel Sangethas Pure Veg
Represented by its Proprietor
Mr.Narayanan Chandrasekaran,
GG Towers, No.8, Rajappa Nagar,
M.C.Nagar, Thanjavur-613007

..Defendant(s)

PRAYER: This Original Application is filed under Order XIV Rule 8 of Original Side Rules read with XXXIX Rule 1 and 2 of CPC, to grant interim injunction restraining the respondent/defendant or their agents, representatives, assignees or heirs from infringing the registered trademark of the applicant/plaintiff and operating the restaurant in the name and style of "HOTEL SANGETHAS PURE VEG RESTAURANT" or any other similar name, pending disposal of the suit.

For Applicant(s): Mr.L Rajasekar
For Respondent(s): Mr.Adith Narayan Vijayaraghavan

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Ground Facts:

The Plaintiff, Applicant in the above O.A. is a registered Limited Liability Partnership firm, duly registered with the Registrar of Companies. The Applicant/Plaintiff claims that a Hotel under the name and style of *Hotel Sangeetha Veg Restaurant* was established in 1985, with its first outlet at Parry Corner, Chennai by one of its designated Partners and in 2001, a partnership firm was formed, which was later converted as a Limited Liability Partnership firm in 2015, and ever since the Applicant has been doing business and all Trademarks which stood registered in the erstwhile partnership firm were registered/ transferred in the name of the Applicant/Plaintiff vide Registry communication dated 17.03.2018. The Applicant has registrations under Classes 42 and 43 for the marks *SVR Sangeetha, Sangeetha Veg. Restaurant SVR, Sangeetha (Device – Veena), Sangeetha Veg. Restaurant (Veena mark device), Sangeetha VEG express and SVR Sangeetha EXPRESS*.

2. According to the Applicant, they have legal user certificates issued way back in October 2018 (for the first 4 marks) and from 16.11.23023 (last 2 marks) and using the said names, the Applicant has been doing business, also expanding its business not only across the city of Chennai, but also going international, opening branches in the Middle East etc. The Applicant also

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claims that its turnover is more than Rs.450 crores for the year ending 31.03.2025. The Applicant is also generating income by way of royalty by permitting Franchise outlets, not only in India but also overseas.

3. The Applicant has also registered the artistic work, '*SVR Sangeetha*' (with Veena device), obtaining necessary registration under the Copyright Act, originally under the names of the designated partners, which has been subsequently assigned in favour of the Applicant 01.01.2023 and pending necessary change of name in their favour with the Copy Right Registry.

4. On the strength of the above claims, the suit has been filed for various reliefs of injunctions, alleging infringement of the marks of the Plaintiff and pending the suit the above original application, seeking an interim injunction to restrain the Respondent, or any one claiming through or under the Respondent, from infringing the registered trade mark of the Applicant and operating the restaurant under the name and style of 'HOTEL SANGETHAS PURE VEG RESTAURANT'.

5. I have heard Mr.L.Rajasekar, learned Counsel for the Applicant/Plaintiff and Mr.Adith Narayan, learned Counsel for the Respondent/Defendant.

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6. Submissions of Mr.L. Rajasekar, learned counsel for the plaintiff in brief:

Taking me through the plaint, affidavit in support of the interim injunction application as well as documents filed in support of the same, Mr.L.Rajasekar, learned counsel contended that the Applicant has been extensively using its registered trademarks for the last several years and has acquired good will and reputation and the general public have also associated the marks with that of the Applicant, and with dishonest intention, the Respondent has adopted very deceptively similar mark, only to deceive the public, causing confusion in their minds, giving an impression that the Respondent is also associated with the Applicant and thereby make unlawful enrichment, at the cost of the Applicant. He would further contend that the Respondent has widely advertised its inauguration of a restaurant/hotel with a party hall in Thanjavur and taking me to the similarities in the mark, Mr.L. Rajasekar argued that it's a clear and undoubted case of infringement. He would rely on the decision of the Apex Court, in *Renaissance Hotel Holdings Inc v. B. Vijaya Sai and others*, reported in *2022 LiveLaw(SC) 65* and pray for the interim injunction being granted as prayed for.

7. Submissions of Mr.Adith Narayan, Counsel for the Respondent, in brief:

(i) Firstly, Mr.Adith Narayan, learned counsel contended that the

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Applicant's marks are all either with a prefix or suffix, unlike the Respondent's mark, which also has a Hotel' prefix and therefore there is no chance for any deception or even confusion.

(ii) Secondly, he submitted that the Applicant has no presence in Thanjavur and therefore, there is no cause for confusion at all.

(iii) Thirdly, referring to the devices used by the Applicant and Respondent, Mr.Adith Narayan argued that the Applicant uses a Veena device, whereas the Respondent uses a wheel and conch device and therefore it clearly distinguishes the marks, not warranting any interim order.

(iv) Fourthly, the Respondent also has a banquet hall with the prefix Grand and Sangetha is shown in very small size, besides also pointing out to the difference in the colour scheme adopted by the Respondent.

(v) Fifthly, there is no acceptable material as to who complained of the alleged infringement and there is non-compliance of Order XIX of the CPC as well.

8. In support of his submissions, Mr.Adith Narayan, learned counsel has also relied on the following decisions:

i) *Cadila Health Care Ltd. v. Cadila Pharmaceuticals Ltd*, reported in (*2001) 5 SCC 73*,

ii) *Corn Products Refining Co. v. Shangrila Food Products Ltd*, reported in *AIR 1980 SC 142 &*

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iii) *Nandhini Deluxe v. Karnataka Cooperative Milk Producers Federation Limited*, reported in *(2018) 9 SCC 183*

The learned Counsel for the Respondent therefore states that a person of reasonable intelligence is not likely to be confused or deceived and no prima facie case has been made out by the Applicant, entitling it to a grant of an interim order, as prayed for.

9. ANALYSIS:

In order to ascertain whether there is an infringement of the Applicant's registered marks, by the Respondent, entitling the Applicant to an interim injunction as prayed for, I have to first test whether the mark adopted by the Respondent and impugned in the above suit is confusing with or deceptively similar to the registered marks of the Applicant.

10. For better appreciation, the registered marks of the Applicant and the adapted mark of the Respondent, are extracted and reproduced hereunder:

Plaintiff's Mark	**Respondent's Mark**
Application No. 1441849 = Class: 42 – SVR SANGEETHA	Application No. 7570092 = Class: 43 - HOTEL SANGETHAS PURE VEG

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Application No. 1441854 = Class: 42 – Sangeetha (device of Veena) 	Not registered
Application No. 1464536 (word mark) = Class: 42 – Sangeetha Veg. Restaurant SVR	
Application No. 1464537 (word mark) = Class: 42 – Sangeetha Veg Restaurant (Device of Veena Mark)	
Application No. 4877037 = Class: 43 – Sangeetha VEG Express 	
Application No. 4877039 = Class: 43 – SVR Sangeetha EXPRESS 	

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11. At the very outset, before proceeding any further, I notice that the Respondent having adopted the name ‘Hotel Sangethas Pure Veg Restaurant’ has also exhibited it in Tamil vernacular language, where the name ‘Sangeetha’ is identically reproduced in the Tamil name, despite one ‘E” alone being omitted in the English version. The location of the Hotel of the Respondent, admittedly, is opposite to the world famous Brihadeeswara Temple, popularly known as Big Temple. It is located in Thanjavur, one of the 12 biggest cities in Tamil Nadu. Given the rich cultural heritage of this place, it is an undeniable fact that there is a huge floating population visiting this city, especially to see the Big temple. This has to be borne in mind, while addressing the argument of Mr.Adith Narayan that sine the Applicant has no branch in Thanjavur, there is no likelihood of confusion. The Applicant, by affidavit as well documentary evidence, prima facie, has been able to show that their branches are spread not only across the State, but also the country and even across the seas. Given the number of visitors or travellers from various parts of the world to the city of Thanjavur, it is therefore highly possible that they may only see the Respondent’s hotel as that of the Applicant’s, the Applicant having already been in the hotel market industry for decades and having earned a reasonable, even if not great reputation and goodwill. Therefore, from this angle, I do not see the fact that the Applicant not having any branch in Thanjavur to be of any material bearing at all, when it comes to testing whether the marks of the Applicant are

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being infringed by the Respondent.

12. As already indicated, any person who reads the Tamil name of the Respondent's hotel would only get a clear indication of 'Sangeetha" since it is how the Respondent has adopted its name in the Tamil sign boards. It is only in the English name that an 'e' alone has been omitted. It is not as if in Tamil language, there is no equivalent word or manner to replicate the English name, 'Sangethas' and it is very much possible to exactly convey the same spelling and even a different pronunciation, if really intended. Admittedly, this also has not been done. The local population, naturally, would be more familiar with Tamil language, than English, and is also therefore very likely to get confused as well. The adoption of the mark by the Respondent is therefore, not honest or bona fide. In any event, the Respondent has started using its mark very recently and has no registrations in place as well, as on date.

13. Yet another argument of Mr.Adith Narayan, learned counsel is that the colour scheme is entirely different and even the device mark is distinct and therefore, there is absolutely no reason for any confusion or deception. Though it may be true that the device used and registered in favour of the Applicant is a Veena and there is no connection to a wheel and conch that is used by the Respondent. It is the contention of the Counsel for the Respondent that therefore, a person of reasonable intelligence will certainly note the differences

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which are visible and consequently the Applicant fails in the key test, thereby disentitling it to an interim injunction.

14. This argument does sound very fanciful at first blush. However, I am reminded of a couple of quotes in Tamil, which would be very relevant to employ here. Famous Tamil poetess, Avvaiyar has said *" பசி வந்தால் பத்தும் பறந்து போகும் (Pasi vandhaal pathum parandhu pohum)"* which literally means if hunger comes, even the ten virtues will fly away.One another famous idiom is " *பசி கண்ண கட்டுது* (*pasi kanna kattudhu)*". The true import and meaning of these is that when a person is really hungry, he becomes blind, or, in other words hunger blocks a person's vision.

15. I deem it fit to apply these quotes to the facts on hand. A person, especially who is hungry is the most potential customer for the Respondent. He is not going to see or notice the colour scheme or the device marks used, but will easily get carried away by "Sangethas" and "சங்கீதாஸ்" in Tamil. In fact, applying the quote and the idiom that I have discussed above, a customer would easily be deceived by the name of the Respondent and would be blind to the colour scheme, spelling, viz., omission of an 'e', use of 'Hotel' as a prefix or even the device marks and is very likely to be carried away by the name and only associate it with the Applicant.

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16. As regards lack of particulars regarding the complaints received and failure to comply with Order XIX CPC, I find averments in the affidavit with regard to how the Applicant came to know of the alleged infringement and even a bill issued by the Respondent and photographs have also been enclosed in the typed set of papers, prima facie consideration is what is relevant and necessary at this interlocutory stage and hence I do not see any merit in these objections as well. These can always be tested during trial of the suit. Presently, I am concerned with the trinity tests of prima facie case, balance of convenience and irreparable loss and hardships. In view of the foregoing discussions, I am satisfied that the Applicant has passed all the three and is certainly entitled to grant of an interim injunction as prayed for.

17. Coming to the decisions that have been relied on by the learned counsel on either side,

In *Cadila*'s case, (referred herein supra), the Apex Court held that the similarity between the competing marks will have to be seen to ascertain whether there is a likelihood of deception or causing confusion. I cannot have any quarrel over the said principle. On facts, the Apex Court, held that a purchaser in India cannot be equated with a purchaser of goods in England and Courts have to go into the question of comparable strength and the fact that a trade may relate to goods largely sold to illiterate or badly educated persons and

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therefore the issue has to be approached from the point of view of a man of average intelligence and imperfect recollection. Even applying this ratio, I can only see, for reasons recorded hereinabove, the Applicant is entitled to interim protection.

18. In *Corn Products*' case, (referred herein supra), the Apex Court held that the question whether the two marks are likely to give rise to confusion is not a question of first impression and it is for the Court to decide the question. The Apex Court also held that the marks will have to be taken as a whole and in fact on facts, the Apex Court held that apart from the syllable "*co*", the marks were identical. This case is also, in my considered opinion, not in any manner benefitting the Respondent.

19. In *Nadhini Deluxe*'s case, (referred herein supra), the Apex Court held that though there is phonetic similarity, the trademarks with logos adopted by the parties are altogether different. Testing the competing marks on hand, the Court held that there is hardly any similarity. I have elaborately discussed as under what circumstances, the customers are likely to flock to the Respondent's hotel and the higher probabilities of the public being confused and even deceived. Hence, I am unable to apply the ratio laid down in this case, to the facts in the case on hand.

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20. In *Renaissance Hotel*'s case, (referred herein supra), the Supreme Court held that the Respondent who is alleged of infringement and passing off, before availing the benefit of Section 30 of the Act, has to establish the use of the mark was not to take unfair advantage of or is detrimental to the distinctive character or repute of the mark, and that use is in accordance with honest practices in industrial and commercial matters. I have to deal with it at great length, as to how the Applicant is the first and prior user and how the action of the Respondent cannot be brought within 'honest' or 'bona fide' use. Applying the ratio laid down in this case, the Applicant is certainly entitled to protect its registered marks, pending disposal of the suit.

21. In fine, this Original Application stand allowed and interim injunction is granted as prayed for. There shall be no order as to costs.

30-10-2026

Index: Yes
Speaking order
Neutral Citation: Yes

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https://www.mhc.tn.gov.in/judis

2026:MHC:4379

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P.B.BALAJI J.

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30-10-2026

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