



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25-03-2026

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THE HON'BLE MR JUSTICE SENTHILKUMAR RAMAMOORTHY

C.S(COMM DIV) No. 336 of 2025

&

O.A.Nos.1210, 1211 & 6410 of 2025

In suit and all applications:

M/s. Zaitoon Multi Cuisine Family Restaurant,
Rep. by its Managing Partner Mr Noufal N K,
No.1, Vantage Plaza, M.G Road, Thiruvannamiyur,
Chennai 600041

..Plaintiff/Applicant(s)

Vs

Zaituna Eating House, Rep. by its Proprietor
Mohammed Ayuf
Rep. by its Proprietor,
Mohammed Ayuf, 161, Seethakathi Middle Street,
Sivakasi, Virudhunagar, Tamil Nadu-626123

Also at
No.683, Poonamallee High Road,
Opp to Anna Hospital Road,
Ayyavoo Colony, Arumbakkam,
Chennai-600 106

..Defendant/Respondent

PRAYER in C.S.(Comm Div) No.336 of 2025: Complaint filed under Order IV, Rule 1 of the Original Side rules and Order VII, Rule 1 of the C.P.C. read with Sections 27(2), 29, 134 and 135 of the Trade Marks Act, 1999, praying

(a) to grant a permanent injunction, restraining the defendant by himself, his servants, agents, distributors, or anyone claiming through him from manufacturing, selling, advertising and offering for services using the name 'ZAITUNA EATING HOUSE' or any other similar Trade Mark name or similar sounding expression in any media and use the same in name board,



invoices, letter heads and visiting cards or by using any other trade mark/ name which is in any way visually or deceptively or phonetically similar to the plaintiff's trade mark name ZAITOON and use the same in pouches , packets or use the mark in invoices, letter head and visiting cards or part of their restaurant services name any other trade, literature or voucher by using any other trade mark which is in any way visually, or phonetically similar to the Plaintiff's registered Trade Mark Nos.4932354, 5551472, 5551473, 6129248, or in any manner infringing the plaintiff's registered Trade Marks;

b) to grant a permanent injunction restraining the defendant by itself, its agents or servants or any one claiming through or under him any business marketing, selling, advertising using in trade literature, menu cards, invoices, name boards, website, internet advertisements the mark/name 'ZAITUNA' in relation to the restaurant services or with respect to or any other trade or on any other business the impugned trademark/name which is in any manner deceptively or phonetically confusingly similar to the plaintiff's Trade Mark/name Zaitoon or in any other manner pass off their business or goods as and for that of the Plaintiff;

c) Direct the Defendant to pay Rs.25,00,000/- (Rupees Twenty Five Lakhs only) + interest pendent lite @ 12% from date of this suit as damages;

d) Direct the Defendant to pay the costs of legal proceedings and suit;

e) Granting such further or other reliefs as this Court may deem fit and proper in the circumstances of the case and thus render justice.

PRAYER in O.A.No.1210 of 2025: Judge's summons filed under Order- XIV Rule-8 of O.S Rules and Order 39 Rule 1 & 2 & Sec 151 of CPC praying to grant ad interim injunction, restraining the Defendant, by himself, his servants, agents, distributors, or anyone claiming through him from manufacturing, selling, advertising and offering for services using the name '**ZAITUNA Eating House**' or any other similar trade mark name or similar sounding expression in any media and use the same in name board, invoices, letter heads



and visiting cards or by using any other trade mark/name which is in any way visually or deceptively or phonetically similar to the plaintiffs trade mark/name “zaitoon” and use the same in pouches, packets or use the mark in invoices, letters heads and visiting cards or part of their restaurant services name any other trade, literature or voucher by using any other trade mark which is in any way visually or phonetically similar to the Plaintiff’s registered Trade Mark Nos.4932354, 5551472, 5551473, 6129248 or in any manner infringing the plaintiffs registered Trade Marks, pending disposal of suit.

PRAYER in O.A.No.1211 of 2025: Judge’s summons filed under Order- XIV Rule-8 of O.S Rules and Order 39 Rule 1 & 2 & Sec 151 of CPC praying to grant ad interim injunction, restraining the Defendant,by itself, its agents or servants or anyone claiming through or under him any business marketing, selling advertising, using the trade literature, menu cards, invoices, name boards, website, internet advertisements the mark/name ‘ZAITUNA’ in relation to the restaurant services or with respect to or any other trade or on any other business the impugned trademark/name which is in any manner deceptively or phonetically confusingly similar to the Plaintiff’s Trade Mark/name zaitoon or in any other manner pass off their business or goods as and for that of the Plaintiff pending disposal of the above suit.

PRAYER in A.No.6410 of 2025: Judge’s summons filed under Order- XIV Rule-8 of O.S Rules read with Order 2 Rule 3 of C.P.C. and Clause 14 of Letters Patent, praying to permit the Applicant/Plaintiff to combine causes of action of infringement of registered trademark and passing off.

In suit and all applications

For Plaintiff/Applicant: Ms. Hemalatha T.

For Defendant/ : Mr.P.Arumugarajan
Respondent:



JUDGMENT

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The plaintiff and the defendant have reached a settlement and recorded the terms thereof in Memorandum of Compromise dated 27.02.2026. Such document has been signed by the Managing Partner of the plaintiff, Mr.N.K.Noufal, and by the proprietor of the defendant. Respective counsel have also signed. After acknowledging that the plaintiff is the registered proprietor of the trademark ZAITOON and the prior user thereof, the defendant has submitted himself to a decree in terms of prayers [(a) and (b)] of paragraph-44 of the plaint.

2. The plaintiff has agreed that the other reliefs claimed in the suit are not being pressed. I find no legal impediment for the issuance of a decree as per the terms of compromise.

3. Accordingly, the suit is decreed in terms of reliefs claimed in paragraph-44 [(a) and (b)] of the plaint. In view of the settlement, there will be no order as to costs. Consequently, connected applications are closed.

25-03-2026

Neutral Citation: Yes/No

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C.S(COMM DIV) No. 336 of 2



SENTHILKUMAR RAMAMOORTHY, J.

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