



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20-04-2026

CORAM

THE HON'BLE MR JUSTICE SENTHILKUMAR RAMAMOORTHY

**OA Nos. 1208 & 1209 of 2025
in C.S(COMM DIV) NO. 335 OF 2025**

M S ZAITOON MULTI CUISINE FAMILY
RESTAURANT REP BY ITS MANAGING
PARTNER Mr NOUFAL N K
No.1, Vantage Plaza, M.G Road, Thiruvanmiyur,
Chennai

..Applicant(s)

Vs

Al Zaitoon Restaurant And Grill
Opp.Frank Antony School,
Wellington Street, Richmond Town, Bengaluru,
Karnataka-560025

..Respondent(s)

PRAYER in OA No. 1208 of 2025: 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 AL ZAITOON 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 pary 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 Plaintiffs registered Trade Mark Nos.4932354, 5551472, 5551473, 6129248 or in any manner infringing the plaintiffs registered Trade Marks, pending disposal of suit.



PRAYER in OA No. 1209 of 2025: 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 advertisement the mark/name AL ZAITOON 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 Plaintiffs 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.

For Applicant(s): M/s.Hemalatha T.

For Respondent(s): No Appearance

COMMON ORDER

When the matter was taken up for hearing after service of notice in these applications on the respondent, the following *prima facie* findings were recorded:

“4. The legal use certificates of the plaintiff evidence that the plaintiff has obtained registrations of the word mark ZAITOON in Classes 43 and 35. Said certificates mention that use is since 11.10.2009. Evidence of use by way of sample invoices are on record. The plaintiff has also provided the certificate of a Chartered Accountant specifying the annual turn over and advertisement expenses from the financial year 2009-2010 to financial year 2023- 2024. In the plaint, it is stated that



the plaintiff became aware of the defendant's presence in September, 2024. The suit was instituted after issuing lawyer's notice dated 30.09.2024 and after initiating pre-institution mediation.

5. From the materials on record, it appears that the plaintiff is the prior user. The plaintiff is also the registered proprietor of word marks in Classes 35 and 43. On comparison of the plaintiff's mark and the defendant's mark, the only difference is inclusion of the word AL before the defendant's mark. Considering that the parties are engaged in the identical line of business, when viewed from the perspective of a consumer of average intelligence and imperfect recollection, I reach the prima facie conclusion that there is deceptive similarity. Taking into account the significant turn over and advertisement expenses incurred by the plaintiff in building its goodwill and reputation, it is likely that irreversible injury will occur unless interim protection is granted. Therefore, orders of ad interim injunction as prayed for in these applications are granted until further orders. The plaintiff shall communicate this order to the defendant."

2. At today's hearing, the defendant remains unrepresented. For reasons set out in the paragraphs extracted above, the orders of interim injunction are made absolute and the applications are allowed.

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**20-04-2026
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SENTHILKUMAR RAMAMOORTHY J.

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