

IN THE HIGH COURT OF JUDICATURE AT MADRAS

RESERVED ON
08.06.2026PRONOUNCED ON
31.07.2026

WEB COPY

CORAM

THE HON'BLE MR.JUSTICE K.KUMARESH BABU**OA No. 111 of 2026
and A.No.
In C.S.(COMM.DIV.)No.44 of 2026**

M/s Sangeetha Caterers And Consultants LLP

Represented by its designated Partners:

1.P.Rajagopal

2.P.Suresh

Having their registered Office at:

No.7, Gandhi Nagar, 1st Main Road, 4th Floor,

Adyar, Chennai

..Applicant(s)

Vs

M/s GRAND SANGEETHAM INN

Represented by its

Proprietrix- Kalavathi Sekaran Samraj,

Principal Place of Business

S.No.72A/7, Grand Sangeetham Inn Vannathi

Uthuvilai,

Veerapandianpattinam, Thoothukudi-628217.

Having Hotel at

No.3/19/D6, Sebasthiyar Street,

Tiruchendur to Thoothukudi Road,

Adaikakalapuram, Tiruchendur-628217

..Respondent(s)

PRAYER:- Original Application filed 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 hotel/ lodge in the name and style of “**GRAND SANEETHAM INN**” or any other similar name, pending disposal of the suit and pass such or other orders as this Court may deem fit and proper in the circumstances of the case.

For Applicant(s): Mr.L Rajasekar

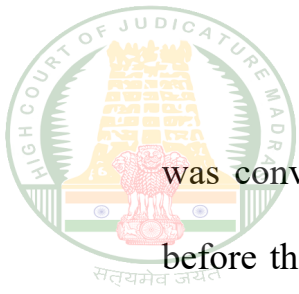
For Respondent(s): Mr.K.G.Raghunath

ORDER

The above Original Application have been filed seeking interim injunction restraining the Respondent/Defendant or their agents, representatives, assignees or heirs from infringing the registered trademark of the Applicant/Plaintiff.

2. Heard Mr.L Rajasekar, learned counsel for the applicant and Mr.K.G.Raghunath, learned counsel appearing on behalf of the respondent.

3. Learned counsel for the petitioner would contend that the defendant being one of the designate partner of the applicant, had earlier established a vegetarian restaurant in the name of Hotel **Sangeetha Veg. Restaurant** in the year 1985 and thereafter, the same was converted as a partnership firm in the year 2001. The partners who had the registered trade marks have also assigned their trade marks in favour of the partnership firm. The said partnership firm



was converted into a limited liability partnership, which is now the applicant before this court. The applicant owns various trade mark certificates in Clause 42 & 43 including copy right in the said marks.

4. He would submit that originally, one of the family members of the Proprietor of the respondent had started a vegetarian restaurant in the name and style **Sangeetham House of Veg**. Noting that the same had infringed, the applicant's trade mark and the copy right, after issuing a notice of cease and desist, the applicant was constrained to initiate a suit in C.S.(COMM.DIV.) No.35 of 2023 in which the defendant therein (the son of the Proprietor of the respondent) agreed to change the name of the restaurant as **Ragam House of Veg** and accordingly, the suit was disposed of on the arrangements that has been entered between the parties. Thereafter, the defendant therein had continued to use the registered trade mark and hence, the applicant was constrained to approach this Court in Cont.P.No.3721 of 2024, in which upon the subsequent conduct of the contemnor therein by adopting "**SKANTHA IYER RESTAURANT**" this applicant reported compliance of the judgment and decree and accordingly, the Contempt Petition came to be closed. However, now the defendant of whose the Proprietor is the mother of the defendant therein and the contemnor had infringed the copyright by establishing a business in the name of **GRAND SANTEETHAN INN**. He would submit that the applicant also runs a hotel business in Egmore and Santhome, apart from



boarding and lodging in the at Guindy in the name of “SVR SANGEETHA” and “SANGEETHA” respectively. He would submit that a cease and desist

notice was issued to which the defendant had forwarded a reply admitting the relationship between the defendant therein and the respondent's Proprietor herein. However, had independently claimed that the said trade name used by the respondent would no manner infringe with the trade mark of the applicant apart from contesting that the judgment and decree passed earlier would not be binding on the respondent

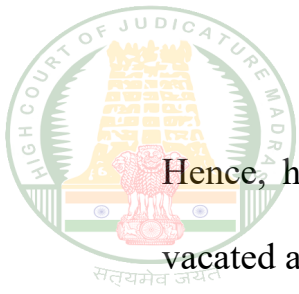
5. He would also draw attention of this Court that the defendant in the earlier suit had obtained a registration of the trade mark which was expunged by the orders of this Court in OP(TM)No.23 of 2025 in order dated 06.11.2025. He would submit that an attempt made by the respondent of whom the Proprietor is none other than the mother of the defendant and the contemnor in the earlier proceedings and who had also suffered an order of expunging of the trade mark registered by him in respect of the judgment and decree in the suit is highly contemptuous as the attempt made by the respondent is to circumvent the judgment and decree passed by this Court. Hence, he would pray this Court to make the order of injunction absolute.

6. Countering his arguments, the learned counsel appearing for the respondent would submit that firstly the respondent being the proprietorship



concern would not be bound by any orders in an independent proceedings against the Proprietor's son. That apart, he would submit that the earlier suit arises out of running of a restaurant business and the present business run by the respondent is a lodging house which would in no manner infringe the trade mark and the copyright of the applicant. When the earlier judgment and decree had been complied with by the defendant therein, the same cannot be put against the respondent herein who is a separate legal entity. He would further submit that the trade mark adopted by the respondent is in no way deceptively similar to that of the applicant either visually or phonetically and in that regard, the applicant cannot have any grievance that there has been an infringement of its trade mark and its copyright. He would further submit that the respondent had been only established only in the month of April 2025, primarily for carrying on lodging businesses. The applicant's restaurant business and the respondent's lodging business operate on different spheres, and hence, there can be no issue of infringement, passing of goodwill, reputation and livelihood which would cause confusion in the mind of the users of the services rendered by the applicant as well as the respondent.

7. He would further rely upon a judgment of the learned Single Judge of this Court which was instituted by the applicant and contend that this Court had held that mere possibility of deception or confusion is insufficient to hold that there should be an applicable standard of likelihood or deception or confusion.



Hence, he would submit that the injunction granted by this Court should be vacated and the application filed by the applicant should be dismissed.

WEB COPY

8. I have considered the submissions made by the learned counsels appearing on either side and perused the materials available on record

9. In reply to the cease and desist notice and also the counter in the present application, the Proprietor who had filed an affidavit on behalf of the respondent had categorically admitted the relationship of herself and the defendant in the earlier suit. It is further to be noted that the premises in which the business was carried on by the defendant in the earlier suit and the premises in which the defendant is carrying on the business are one and the same.

10. Further, a perusal of the counter affidavit filed in support of the application, the defendant had admitted herself to be a senior citizen aged 71 years old suffering from breast cancer for which she has been undergoing regular treatment at Global Hospitals, Chennai from the year 2018 and is residing in her native village. These pleadings would *prima facie* indicate that the Proprietor of the respondent would not be effectively carrying on the said business. The respondent in her counter affidavit had also admitted to the various orders passed by this Court in an earlier round of litigation between the son of the Proprietor of the respondent. But, the learned counsel for the respondent had heavily contended that the respondent being a separate legal



entity is not bound by the earlier judgment and decree orders passed by this Court.

WEB COPY

11. As noted above, the place of business of the defendants, who had suffered a judgment and decree and an order of removal in the trade mark OP.TM.No.23 of 2025 and the place of business of the respondent being on the very same premises which has not been disputed by the respondents, there is no denial by the respondent that the applicant is also carrying on a business by providing lodging to its customers at three places as indicated in the affidavit filed in support of the application, this Court is of the *prima facie* view that the adoption of the name of the respondent **Grand SANGEETHA INN** is nothing but an attempt to circumvent the earlier judgment and decree passed by this Court in C.S.(COMM.DIV.)No.35 of 2023 and the order of removal made in OP.TM.No.23 of 2025.

12. In such view of the matter, the injunction granted by this Court dated 11.02.2026 is made absolute and the O.A.No.111 of 2026 stands ordered as prayed for. However, there shall be no order as to costs.

31.07-2026

Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No
GBA



WEB COPY

OA No. 111 of 2



K.KUMARESH BABU, J.

GBA

OA No. 111 of 2026

31-07-2026