

IN THE HIGH COURT OF JUDICATURE AT MADRAS

RESERVED ON
29.06.2026PRONOUNCED ON
21.09.2026

WEB COPY

CORAM

THE HON'BLE MR.JUSTICE K.KUMARESH BABU

A No. 990 of 2026
and O.A.170 of 2026
in C.S(COMM DIV) No. 122 of 2025

Mohammed Usman Sait,
S/o. Haji Ebrahim Oosman Sait,
Proprietor of Joonus Sait & Sons,
Having its registered Office at
No.36 Rattan Bazaar Road,
George Town, Chennai 600003.

..Applicant(s) in both
Appl. & O.A.

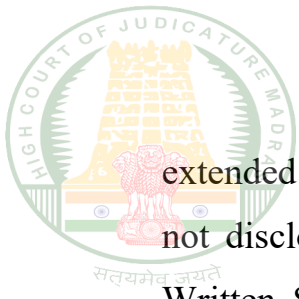
Vs

Mohammed Saleem Sait
S/o.Haji Ebrahim Oosman Sait,
having its registered office at
F-37, 38, Dee Cee Tower,
2nd Aveue, Chinthamani,
Anna Nagar East,
Chennai-6000102.

Alternatively at
Ground Floor, Alsa Mall,
Main Entrance,
Complex, Red Cross Road,
near Alsa Mall, Egmore,
Chennai-600008

..Respondent(s) in both
Appl. & O.A.

PRAYER in A No. 990 of 2026:- Application filed to direct the Respondent/
Defendant to forthwith close and cease operations of all newly opened or



extended stores/ outlets operating under the name “*Joonus Sait*” which were not disclosed in the Respondent/ Defendant’s Common Counter Affidavit or Written Statement and/ or which have been opened or expanded during the pendency of the suit in violation of the status quo order and without any lawful authority.

PRAYER in O.A.No.170 of 2026:- Original Application filed seeking interim injunction restraining the Respondent/ Defendant from expanding, extending, opening, operating or continuing to operate any business, outlet or stores, whether new, extended, additional or otherwise under the trade name “*Joonus Sait*” or any part or variation thereof, till the disposal of suit.

In both Appl. & O.A.:-

For Applicant(s): Mr.Amit Sharma

For Respondent(s): Ms.S.Suba Shiny

COMMON ORDER

The above application has been filed to direct the Respondent/ Defendant to forthwith close and cease operations of all newly opened or extended stores/ outlets operating under the name “*Joonus Sait*” which were not disclosed in the Respondent/ Defendant’s Common Counter Affidavit or Written Statement and/ or which have been opened or expanded during the pendency of the suit in violation of the status quo order and without any lawful authority.

2. The Original Application has been filed seeking interim injunction restraining the Respondent/ Defendant from expanding, extending, opening,



operating or continuing to operate any business, outlet or stores, whether new, extended, additional or otherwise under the trade name “**Joonus Sait**” or any part or variation thereof, till the disposal of suit.

3. Heard Mr.Amit Sharma, learned counsel appearing for the applicant and Ms.S.Suba Shiny, learned counsel appearing for the respondent.

4. Learned counsel appearing for the applicant would submit that the applicant had instituted a suit in respect of his registered trade mark which has been infringed to by the respondent and had sought for various reliefs. Originally, interim reliefs were sought for against the respondent and the same was disposed of by this Court against which an Intra-Court Appeal was preferred and the Division Bench of this Court had directed the respondent to maintain *status quo*. He would submit that it had now come to the knowledge of the applicant that the respondent in violation of his undertaking and the order of the *status quo* had now opened a fourth store in Alsa Mall diagonally opposite to the existing store and an another store in Anna Nagar for promoting Kids Winter wear collection. Therefore, the respondent had expanded his scope of business by using the infringing trade mark. His expansion by opening a new store and infringing the trade mark is itself contrary to his undertaking and also to the order of status quo and hence, he would submit that an injunction restraining him from expanding/ extending/ opening/ operating and continuing



to operate any business outlet/ stores within the new extended/ additional or otherwise under the trade name would have to be enjoined and also a direction to be issued to forthwith close and cease the operation of the two newly opened stores or otherwise, the applicant would be put to irreparable loss.

5. Countering his arguments, Ms.S.Suba Shiny learned counsel appearing for the respondent would at the outset submit that it is a fragile imagination of the applicant to contest that the respondent had opened new shops as alleged. She would contend that the respondent has not violated any orders of the Division Bench as the respondent had neither expanded or opened any new outlet after the order made by the Division Bench. The premises at Alsa Mall, Egmore had only been hired for stocking purposes of the materials and not as a showroom for sales. The alleged showroom at Anna Nagar is a part of the existing store and not a separate unit or outlet. She would also place on record the GST registration used in the billing at the shop in Anna Nagar to contend that it is the very same GST registration of the existing shop which has been allotted to the respondent trade and had bifurcated the shop for an exclusive kids and women winter products. She would submit that the applicant having failed to get an injunction had been attempting to hand-twist the respondent by filing application after application and harass him to come to the terms of the applicant. She would further submit that it is not the case of the applicant that apart from the existing locations at Alsa Mall and Anna Nagar, the respondent



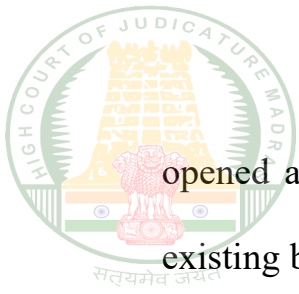
opened a new shop elsewhere and hence, she prays this Court to reject the application as filed by the applicant.

WEB COPY

6. I have considered the submissions made by the learned counsels appearing on either side and perused the materials available on record before this Court.

7. Originally the applications filed for grant of interim reliefs were disposed of by this Court by holding that it would be inappropriate form restraining the respondent from carrying on the business pending disposal of the suit. But, however, on a *prima facie* finding that the Memorandum of Understanding that was entered between the parties do not indicate that the respondent is entitled to assent a sole proprietorship over the trading name had directed the respondent not to prosecute for registration of the trade mark until disposal of the suit which was also present in an undertaking given by the respondent.

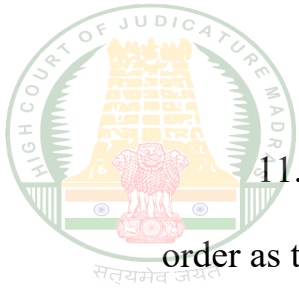
8. As against the refusal of an order of injunction, an Intra-Court Appeal was filed by the applicant. A contention had been raised by the applicant that the respondent had been extending his business by opening additional branches during the pendency of the suit and also recording the statement made by the learned counsel appearing for the respondent that no new outlets have been



opened and what had taken place at Anna Nagar is only an extension of the existing business had directed the respondent to maintain *status quo* with regard to the use and expansion of the trade and also to comply with the undertaking given before the learned Single Judge and with a further direction to co-operate for earlier disposal of the suit.

9. A reading of the order passed by the Division Bench of the Court would indicate that the allegations that had been raised by the applicant in the present Application with regard to the store at Anna Nagar had already been raised before the Division Bench. Only noting the same, an order of *status quo* had been directed to be maintained. In spite of the allegations of the shop at Alsa Mall at Egmore, it is the categorical submission of the respondent that it had been hired only for stocking the materials to be sold. This has also been the categorical averment affirmed in the counter affidavit filed by the respondent.

10. In such view of the matter, this Court is of the view that the applicant had taken out these applications on a pre-existing fact prior to the order dated 18.11.2025 and therefore, there has been no violation of the orders passed by the Division Bench of this Court or the undertaking given by the respondent. The applications are wholly misconceived warranting any relief in favour of the applicant. The parties shall proceed further and co-operate for the disposal of the suit.



11. In fine, the applications are dismissed. However, there shall be no order as to costs.

WEB COPY

21.09.2026

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

GBA



WEB COPY

A No. 990 of 2026 & O.A.No.170 of 2



Order QR

K.KUMARESH BABU, J.

GBA

A Pre-delivery order made in
A No. 990 of 2026
and O.A.170 of 2026
in C.S(COMM DIV) No. 122 of 2025

21.09.2026