

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE P.B.SURESH KUMAR

WEDNESDAY, THE 8TH DAY OF APRIL 2015/18TH CHAITHRA, 1937

RPNo. 294 of 2015

FAO 353/2014, DATED 12/2/2015

REVIEW PETITIONER(S)/RESPONDENT 1 IN F.A.O:-:

**SMT.KALAIMAHAL, AGED ABOUT 42 YEARS,
W/O.RAVEENDRAN, APEX RESIDENCY, VINAYAKAPURAM
SARAVANMPATTI P.O., COIMBATORE - 6.**

BY ADV. SRI.BENOY K.KADAVAN

RESPONDENT(S)/APPELLANT AND RESPONDENTS 2 TO 5 IN THE F.A.O:-:

- 1. C.S. AGENCIES, THEKKEVILA P.O., KOLLAM
REPRESENTED BY ITS PROPRIETOR MR.P.CHANDRA BABU
AGED 55 YEARS, S/O.PRABHAKARAN,
RESIDING AT C.S.NIVAS, PUTHENNADA
MUNDACKAL VILLAGE, THEKKEVILA P.O., KOLLAM - 691 016.**
- 2. SRI.SIBI MOHAMMED, AGED 25 YEARS
PROPRIETOR, UKS MARKETING, NEAR PANIEL SCHOOL
EDAVATTOM, VELLIMON P.O., KUNDARA - 691 511.**
- * 3. SREEJITH SREENIVASAN @ SREEJITH.S., AGED 40 YEARS
S/O.SREENIVASAN, EXECUTIVE UKS MARKETING, SRINIVAS
PUTHENNADA NAGAR, THEKKEVILA P.O., ERAVIPURAM
KOLLAM - 691 016. (DELETED)**
- * 4. SRI.MANGALANANDAN, AGED 35 YEARS
PROPRIETOR, V.V.ELECTRICALS & PLUMBING
SANITARY ITEMS, POLAYATHODU, KOLLAM - 691 011. (DELETED)**
- * 5. V.K.SHIHABUDEEN,, AGED 60 YEARS
PROPRIETOR, KUTTIYIL ELECTRICALS, KUNDARA P.O.
PIN - 691 511. (DELETED)**
- * R2 TO R5 ARE DELETED FROM THE PARTY ARRAY AT THE RISK OF REVIEW
PETITION VIDE ORDER DTD.24/3/2015 IN IA.394/2015**

BY ADV. SRI.M.P.SREEKRISHNAN

**THIS REVIEW PETITION HAVING BEEN FINALLY HEARD ON 08-04-2015, THE
COURT ON THE SAME DAY PASSED THE FOLLOWING:**

P.B.SURESH KUMAR, J.

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Review Petition No.294 of 2015

in

F.A.O.No.353 of 2014.

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Dated this the 8th day of April, 2015.

O R D E R

The first respondent in the appeal is the Review Petitioner.

2. The appellant in the appeal filed O.S.No.5 of 2014 before the Additional District Court-V, Kollam under Sections 134 and 135 of the Trade Marks Act, 1999, seeking a decree of permanent prohibitory injunction restraining the defendants from selling, disposing or otherwise dealing with their goods by using their trade mark 'Kera Pumps'. Along with the suit, the appellant also filed an application as I.A.No.1817 of 2014 for an order of temporary injunction restraining the defendants and others from doing the aforesaid acts. The court below dismissed the said

application for temporary injunction. The appellant challenged the said order in the appeal and as per the judgment sought to be reviewed, this Court reversed the decision of the court below and granted the order of temporary injunction sought by the appellant.

3. In this Review Petition, the only ground urged is that the first respondent is maintaining a huge net work of dealers to sell her products and therefore, she needs some time to change the name of the products. The same is not a ground to review the judgment. The review petition is without merits and the same is accordingly dismissed.

Sd/-P.B.SURESH KUMAR, JUDGE.

Kvs/-

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PA TO JUDGE.