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O.A.Nos.359 to 361 of 2022

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and A.No.2556 of 2022
in C.S.(Comm.Div.) No.125 of 2022

SENTHILKUMAR RAMAMOORTHY, J.

On 21.07.2022, it was recorded that notice had been served on the respondent on 11.07.2022. Since there was no representation for the respondent, the matter was adjourned until today. Once again, there is no representation for the respondent. Therefore, the interim applications are proceeded with in the absence of the respondent.

2. At the time of admission, it was noticed that the applicant / plaintiff asserts use of the mark DHEEPAM from the year 2009 in respect of lamp oil and other forms of illuminating oil. It was also noticed that the said trademark was registered on 23.04.2012. Ad interim relief was granted after noticing the representation of the impugned mark PANCHA DEEPAM.

3. The applicant / plaintiff asserts distinctiveness by acquisition of secondary meaning on account of long use and the reputation and good will built by investing considerable sums towards advertisement. By taking note of the above and, in particular, the impugned label in comparison with the



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applicant / plaintiff's registered trademark, the ad interim order granted on 07.07.2022 is made absolute and the original applications are disposed of.

4. The Registry is directed to indicate the status of service of suit summons on the defendant. The plaintiff is permitted to serve suit summons privately returnable on 25.08.2022.

04.08.2022

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