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C.S.(Comm.Div.).No.99 of 2023



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.07.2023

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THE HONOURABLE Ms. JUSTICE P.T. ASHA

C.S.(Comm.Div.).No.99 of 2023

and

O.A.Nos.376 and 377 of 2023

and A.No.2522 of 2023

M/s.Kaleesuwari Refinery Pvt. Ltd.

Rep. By its Manger (legal)

Mr.A.Saravanan

No.53, Rajasekaran Street,

Opp: Kalyani Hospital, Dr.Radhakrishnan Salai,

Mylapore, Chennai – 600004

...Plaintiff

Vs.

Dheeraj Oil Mills,

Gooty Rd. Chilka Nagar,

Anantapur,

Andhra Pradesh – 515001.

...Defendant

PRAYER: **Plaint** is filed under under Order IV Rule 1 of the O.S Rules.
read with Order VII Rule 1 of CPC Rules read with Sections 134 & 135 of
the Trademarks Act, 1999, praying to pass the judgment and decree:-



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i. For a permanent injunction to restraining the Defendant, their men, agents, associates and /or assignees or any person claiming rights from them from infringing the Plaintiff's reputed and well known registered Trade Mark "**DHEEPAM**" by using the offending Trade Mark "**PANCHADEEPAM OIL**" or any mark or word deceptively similar to the aforesaid Trade Mark of the Plaintiff's for any non edible oil marketed by the Defendant, their men, agents, associates and/ or assignees or any person claiming rights from the Defendant.

ii. For a permanent injunction to restraining the Defendant its men, agents, associates and /or assignees or any person claiming rights from therein from passing-off their inferior product, as that of the Plaintiff's "**DHEEPAM**" lamp oil by using the offending words "**PANCHADEEPAM OIL**" or any other words or mark and offending packing Material/Pouch/Bottles deceptively similar to the Plaintiff's trade mark "**DHEEPAM**" and Trade dress for "**DHEEPAM**".



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iii. For preliminary decree directing the Defendant to render true account of profits made by the Defendant by using the aforesaid offending mark/lable of " **PANCHA DEEPAM OIL**".

iv. For erasure, removal or obliteration from all infringing goods, materials or articles in the possession or control of the Defendant with the offending mark/labes and pouches deceptively similar to the Plaintiff's "**DHEEPAM**"

v. To pay for the costs of the suit; and

vi. Pass such further or other orders as this Hon'ble court may deem fit and proper in the facts and circumstances of the case and thus render justice.

For Plaintiff : M/s.Vijayan Subramanian

For Defendants : Not ready in notice.



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JUDGMENT

The plaintiff and the defendant have entered into a compromise which has been reduced into writing in a Joint Compromise Memo dated 12.07.2023. The Joint Compromise Memo is signed by the plaintiff and the defendant. The said Joint Compromise Memo dated 12.07.2023 is taken on file.

2. Accordingly this Civil Suit is decreed in terms of the Joint Compromise Memo dated 12.07.2023. The terms of Joint Compromise Memo signed by the plaintiff and the defendant shall form part and parcel of this judgment and decree. Consequently, the connected applications are closed. No Costs.

12.07.2023

Index : Yes/No
Internet : Yes/No
Neutral Citation : Yes/No
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P.T. ASHA, J,

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