



C.S.(Comm.Div.)No.104 of 2---

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.08.2023

CORAM

THE HONOURABLE Ms. JUSTICE P.T. ASHA

C.S.(Comm.Div.)No.104 of 2023

and

O.A.No.400 & 401 of 2023

and

A.No.2565 of 2023

M/s.Kaleesuwari Refinery Pvt. Ltd.,
Rep. By its Manager (legal)
Mr.A.Saravanan
No.53, Rajasekaran Street,
Opp: Kalyani Hospital, Dr.Radhakrishnan Salai,
Mylapore, Chennai – 600004.

...Plaintiff

Vs.

Lakshmi Krupa Enterprises,
Flat No.C3, C - Block No. C-003,
SM Road,
Jalahalli West, Bangalore - 560015

...Defendant

PRAYER: Complaint is filed under Order IV Rule 1 of the O.S Rules r/w Order VII Rule 1 of C.P.C. Rules r/w Sections 134 & 135 of Trade Marks Act, 1999, praying for:-



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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 "**DEEPAM OIL**" or any mark or word deceptively similar to the aforesaid Trade Mark of the Plaintiff's for any 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 "**DEEPAM 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 **"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/lables 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 Plaintiffs : M/s.Irfan Nawaz Khan

For Defendant : Not ready in notice



JUDGMENT

The learned counsel for the Plaintiff seeks permission of this Court to withdraw the suit and he has also made an endorsement to that effect.

2. In view of the submission and endorsement made by the learned counsel for the Plaintiff, this Suit is dismissed as withdrawn. Consequently, the connected applications are closed. No costs.

16.08.2023

Index : Yes/No
Internet : Yes/No
Neutral Citation : Yes/No
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