



C.S. (COMM.DIV.) No.121 of 2023, O.A. Nos.
460 and 461 of 2023 and A. No.2740 of 2023

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 16.10.2023

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THE HONOURABLE MR.JUSTICE ABDUL QUDDHOSE

C.S. (COMM.DIV.) No.121 of 2023, O.A. Nos.
460 and 461 of 2023 and A. No.2740 of 2023

M/s.Kaleesuwari Refinery Private Limited,
represented by its Manager (Legal),
A.Saravanan

.. Plaintiff

/versus/

Ammi Samayal

.. Defendant

Prayer: Civil Suit has been filed under Order IV, Rule 1 of the Original Side Rules read with Order VII Rule 1 of Code of Civil Procedure read with Sections 134 and 135 of Trade Marks Act, 1999 to pass judgment and decree:

i)for a permanent injunction to restrain 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 "PANCH 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;



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ii)for a permanent injunction to restrain 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 "PANCHA 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";

iii)for preliminary decree directing the defendant to render true account of profits made by the defendant by using the aforesaid offending mark/label 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/labels and pouches deceptively similar to the plaintiff's "DHEEPAM".

For Plaintiff : Mr.Vijayan Subramanian

For Defendant : Mr.N.Palanikumar

J U D G M E N T

Learned counsel for the defendant, on instructions, has made an endorsement in the court bundle stating that no longer the defendant will be using the plaintiff's registered trade mark 'DHEEPAM'.



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2.Learned counsel for the plaintiff is satisfied if such an undertaking is given by the defendant. Therefore, learned counsel for the plaintiff would submit that in terms of the endorsement made by the learned counsel for the defendant, on instructions, this suit can be closed.

3.After recording the endorsement made by the learned counsel for the defendant that the defendant shall not use the plaintiff's registered trade mark 'DHEEPAM', this suit is closed. No costs. Consequently, connected applications stand closed.

16.10.2023

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ABDUL QUDDHOSE, J.

vga

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