



C.S (Comm Div). No. 155 of 2023

WEB COPY IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 01.09.2023

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THE HONOURABLE Ms. JUSTICE P.T. ASHA

C.S (Comm Div). No. 155 of 2023

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O.A.Nos. 558 & 559 of 2023

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A.No. 3152 of 2023

M/s. Kaleesuwari Refinery Private Limited,  
Represented by its Authorised Signatory,  
Mr. A. Saravanan (M-45 years),  
No.53, Rajasekaran Street,  
Opp: Kalyani Hospital, Dr. Radhakrishnan Salai,  
Mylapore, Chennai 600 004. ... plaintiff

Vs.

PV Natural Products,  
Plot No.133, Manickam Nagar Main Road,  
Opp to Namalvar Vivekanandha Vidyalaya Hr Sec School,  
Kundrathur, Chennai 600069. ... defendant



**Prayer:** Plaintiff filed under Order VII Rule 1 of CPC read with Order IV Rule 1 of the Original Side Rules and Section 134 and 135 of the Trade Marks Act, 1999, for

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



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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/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.



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For Plaintiff : Mr. Vijayan Subramanian

For Defendant : No Appearance.

### **JUDGEMENT**

The learned counsel for the plaintiff has made an endorsement for withdrawing the suit since the defendant has stopped using the name “DHEEPAM”. On the basis of the said endorsement, the suit is dismissed as withdrawn. Consequently, connected applications are closed. No costs.

**01.09.2023**

Internet : Yes/No  
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**P.T. ASHA. J.,**

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