



C.S.(Comm.Div.)No.165 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.08.2023

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THE HONOURABLE MS. JUSTICE P.T.ASHA

C.S.(COMM.DIV).No.165 of 2023

and

O.A.Nos.591 & 592 of 2023

M/s.Kaleesuwari Refinery Pvt. Ltd.,
Rep. by its Authorised Signatory,
Mr.A.Saravanan
No.53, Rajasekaran Street,
Opp: Kalyani Hospital, Dr.Radhakrishnan Salai,
Mylapore, Chennai - 600004

...Plaintiff

Vs.

Nalabagam Healthy Living,
85, Sri Nagar,
Koundampalayam Road,
Koundampalayam, Coimbatore,
Tamilnadu- 641030

...Defendant

PLAINT FILED UNDER ORDER IV RULE 1 OF OF THE O.S. RULES
R/W ORDER VII RULE 1 OF C.P.C. RULES R/W SECTIONS 134 & 135
OF THE TRADE MARKS ACT, 1999, praying to grant a judgement and
decree on the following terms:-



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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 interior 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 "PANCHHA 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 : Mr.Irfan Nawaz Khan

For Defendant : Not ready in notice.



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JUDGEMENT

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.

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

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