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C.S.(Comm.Div.) No.284 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30.09.2024

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THE HONOURABLE MR.JUSTICE SENTHILKUMAR RAMAMOORTHY

C.S.(Comm.Div.) No.284 of 2023
and A.No.6207 of 2023

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

... Plaintiff

-VS-

H.K.Global Enterprises,
TR Layout, Magadi Town,
Near BGS Collage,
Ramanagara District 562 120.

... Defendant

PRAYER: Civil Suit (Commercial Division) 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 and 135 of Trade Marks Act, 1999, praying to grant a
judgment 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 “AKSHAYA DHAARA DEEPAM LAMP 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 “AKSHAYA DHAARA DEEPAM LAMP OIL” or any other words or mark and offending packing Material / Pouch / Bottles deceptively



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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 "AKSHAYA DHAARA DEEPAM LAMP 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".

(v) To pay for the costs of the suit.

For Plaintiff : Mr.Vijayan Subramanian

For Defendant : No Appearance



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JUDGMENT

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Learned counsel for the plaintiff submits that he has been instructed to withdraw the suit. An endorsement for withdrawal was made.

2. In view thereof, C.S.(Comm.Div.) No.284 of 2023 is dismissed as withdrawn without any order as to costs. Consequently, A.No.6207 of 2023 is closed.

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Index : Yes / No

Internet : Yes / No

Neutral Citation: Yes / No



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