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C.S. (Comm.Div.) No.313 of 2023



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : **05.03.2024**

CORAM

THE HON'BLE MR. JUSTICE ABDUL QUDDHOSE

C.S. (Comm.Div.) No.313 of 2023

M/s.Kaleesuwari Refinery Private Limited,
represented by its Authorised Signatory
A.Saravanan

.. Plaintiff

Vs

DD Enterprises

.. Defendant

Prayer: Civil Suit filed under Order IV Rule 1 of Original Side Rules read with Order VII Rule 1 of the Civil Procedure Code, 1908 read with Sections 134 & 135 of Trademarks 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 Trademark "DHEEPAM" by using the offending Trademark "DHEEPAM" or any mark or word deceptively similar to the aforesaid Trademark 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 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 "DHEEPAM" or any other words or mark and offending packing material/pouch/bottles deceptively similar to the plaintiff's trademark "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 "DHEEPAM";

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 : Mr.S.Gurumurthy

JUDGMENT

Learned counsel for the defendant, on instructions, has made an endorsement in the Court bundle stating that the defendant has stopped using the brand name "DHEEPAM". A new label of the defendant has been placed on record by the defendant's counsel before this Court.

2.Learned counsel for the plaintiff, on instructions, is satisfied with the endorsement made by the learned counsel for the defendant in the court bundle.



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3. Accordingly, this suit is disposed of, after recording the endorsement made by the learned counsel for the defendant, on instructions that the defendant has stopped using the word "DHEEPAM" in its label and the new label of the defendant is taken on record and the same shall form part of this judgment.

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ABDUL QUDDHOSE, J.

vga

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