



C.S.(Comm.Div.) No.13 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED: 12.03.2025

CORAM

THE HONOURABLE MR.JUSTICE SENTHILKUMAR RAMAMOORTHY

C.S.(Comm.Div.) No.13 of 2025
and O.A.Nos.27 & 28 of 2025
and A.No.165 of 2025

M/s.Kaleesuwari Refinery Private Limited,
Represented by its AGM (Legal),
Mr.A.Saravanan (M – 47 years),
No.53, Rajasekaran Street,
Opp: Kalyani Hospital, Dr.Radhakrishnan Salai,
Mylaporre, Chennai – 600 004.

... Plaintiff

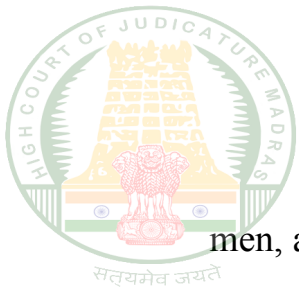
-VS-

Gayathri Industries
Plot No.SPL6, KSSIDC Industrial Area,
Opp: Sugar Factory, NH4, Hiriyur – 577 599
Chitradurga District, Karnataka.

... Defendant

PRAYER: Civil Suit (Commercial Division) filed under Order VII Rule 1
Civil Procedure Code, 1908 Read With Order IV Rule 1 of High Court
O.S.Rules and Section 134 and Section 135 of the Trade Marks Act, 1999,
praying to grant a judgment and decree on the following terms:-

(a). Granting a permanent injunction restraining the defendant, their



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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 "**GAYATHRI DEEPAM OIL**" or any mark or word deceptively similar to the aforesaid Trade Mark of the plaintiff's for lamp oil marketed by the defendant, their men, agents, associates and / or assignees or any person claiming rights from the defendant.

(b). Granting a permanent injunction 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 "**GAYATHRI DEEPAM OIL**" or any other words or mark and offending packing Material and pouch deceptively similar to the plaintiff's trade mark "**DHEEPAM**".

(c). For preliminary decree directing the defendant to render true account of profits made by the defendant by using the aforesaid offending mark / label of "**GAYATHRI DEEPAM OIL**".

(d). For ensure, removal or obliteration from all infringing goods,



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materials and articles in the possession or control of the defendant with the offending mark / label and pouches deceptively similar to the plaintiff's **“DHEEPAM”**.

(e). To pass an order of declaration, declaring the plaintiff registered trade mark **“DHEEPAM”** as “well known mark” within the meaning of Section 2(1)(zg) read with Section 11(6) of the Trade Marks Act, 1999 along with a direction to the Registrar of Trade Marks to notify the mark **“DHEEPAM”** on the register of well-known marks.

(f). To pay the plaintiff the costs of the suit.

For Plaintiff : Mr.Vijayan Subramanian

For Defendant : Mr.R.Pushkar

JUDGMENT

Memo dated 12.03.2025 has been filed on behalf of the defendant.

Paragraphs 1 to 4 thereof are as under:

“1. The Defendant has stopped using the mark cited by the Plaintiff in page 15 (Document No.10) of the typeset of



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documents of the Plaintiff. The Defendant undertakes not to engage in any business, marketing, branding, or promotional activities using the disputed name or any other deceptively similar variations thereof.

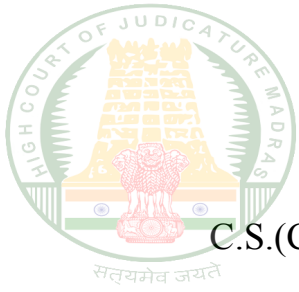
2. The Defendant has removed and discontinued the use of all infringing materials, including but not limited to signage, packaging, advertisements, and online content. The new label that is currently being used by the Defendant is produced as Annexure to this Memo.

*3. The Defendant acknowledges the exclusive ownership rights of mark **DHEEPAM** by M/s.KALEESUWARI REFINERY PRIVATE LIMITED and will not challenge or dispute the same in the future.*

4. The Defendant undertakes that in case of any future breach of this undertaking, the Defendant shall be liable for legal action, including but not limited to penalties, damages, and injunctions, as deemed appropriate by law.”

2. In view thereof, learned counsel for the plaintiff submits, on instructions, that the suit may be disposed of.

3. Accordingly, by taking note of the terms of the above memo,



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C.S.(Comm.Div.) No.13 of 2025 is disposed of by granting leave to the plaintiff to initiate action if the defendant commits breach of the undertaking. There shall be no order as to costs. Consequently, the connected O.A.Nos.27 & 28 of 2025 and A.No.165 of 2025 are closed.

12.03.2025

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Index : Yes / No

Internet : Yes / No

Neutral Citation: Yes / No

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