



C.S.(Comm.Div.) No.12 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED: 10.03.2025

CORAM

THE HONOURABLE **MR.JUSTICE SENTHILKUMAR RAMAMOORTHY**

C.S.(Comm.Div.) No.12 of 2025
and O.A.Nos.25 & 26 of 2025
and A.No.164 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.

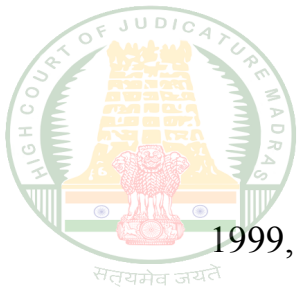
... Plaintiff

-VS-

Value Ventures
No.138/10, Nasiyanur Road,
Sembampalayam, Villarasampatt,
Veerappanchatiram, Erode – 638 107.

... 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, 1956 and Section 134 and Section 135 of the Trade Marks Act,



1999, praying to grant a judgment and decree on the following terms:-

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(a). Granting a permanent injunction 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 “**MAHA DEEPAM**” 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 “**MAHA DEEPAM**” 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



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mark / label of “**MAHA DEEPAM**”.

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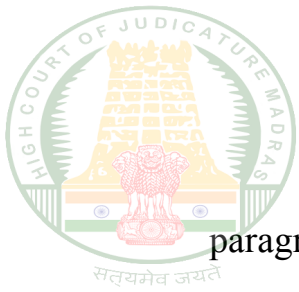
(e). To pass an order of declaration, declaring the plaintiff registered trade mark “**DHEEPAM**” as “well known mark” within the meaning of Section 2(1)(zg) read with Section 11(6) of the Trade Marks Act, 1999 along with a direction to the Registrar of Trade Marks to notify the mark “**DHEEPAM**” on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

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

For Plaintiff : Mr.M.Dhanush
for Mr.Vijayan Subramanian

JUDGMENT

Learned counsel for the plaintiff has placed on record letter dated 20.02.2025 from the defendant to the plaintiff. In the said letter, at



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paragraphs 1, 4 and 5 the defendant has stated as under:

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*“1. That I shall immediately cease and desist from using the name **DHEEPAM** or any other mark, logo, trade dress, colour combination, or design similar to your registered trademark in any manner.*

*4. That I acknowledge the exclusive ownership rights of **DHEEPAM** held by M/s.KALEESUWARI REFINERY PRIVATE LIMITED and will not challenge or dispute the same in the future.*

5. That in case of any future breach of this undertaking, I shall be liable for legal action, including but not limited to penalties, damages, and injunctions, as deemed appropriate by law.”

2. In view of the aforesaid, learned counsel states that the suit may be closed by granting leave to the plaintiff to apply for appropriate relief if the defendant commits breach of the undertakings provided in the letter.

3. Recording the aforesaid, C.S.(Comm.Div.) No.12 of 2025 is disposed of without any order as to costs. Consequently, the connected O.A.Nos.25 & 26 of 2025 and A.No.164 of 2025 are closed.

10.03.2025

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Index : Yes / No

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C.S.(Comm.Div.) No.12 of 2025

Internet : Yes / No

Neutral Citation: Yes / No

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SENTHILKUMAR RAMAMOORTHY,J

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