



C.S.(Comm.Div.) No.30 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED: 03.03.2025

CORAM

THE HONOURABLE MR.JUSTICE SENTHILKUMAR RAMAMOORTHY

C.S.(Comm.Div.) No.30 of 2025
and O.A.Nos.73 & 74 of 2025
and A.No.409 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,
Mylapore, Chennai 600 004.

... Plaintiff

-VS-

Angaleeswari Oil Industries
No.98/1, Polur Main Road,
Millath Nagar, Chengam,
Tiruvannamalai District – 606 781.

... Defendant

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

(i). Granting a permanent injunction restraining the defendant, their men, agents, associates and / or assignees or any person claiming rights from



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them from **infringing** the plaintiff's reputed and well known registered Trade Mark "**DHEEPAM**" by using the offending Trade Mark "**PATTABI 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.

(ii). 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 "**PATTABI DEEPAM OIL**" or any other words or mark and offending packing Material and pouch deceptively similar to the plaintiff's trade mark "**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 "**PATTABI DEEPAM OIL**".

(iv). For ensure, removal or obliteration from all infringing goods, materials and articles in the possession or control of the defendant with the



offending mark / label and pouches deceptively similar to the plaintiff's

WEB COPY **“DHEEPAM”**.

(v). 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.

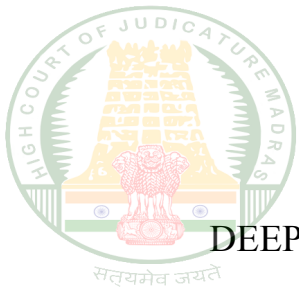
(vi). To pay the plaintiff the costs of the suit.

For Plaintiff : Mr.Vijayan Subramanian

JUDGMENT

Pursuant to order dated 30.01.2025, after sending private notice, the plaintiff has filed affidavit of service dated 13.02.2025. The documents annexed thereto indicate that notice was served on the defendant on 31.01.2025.

2. The plaintiff has also filed an additional typed set. This typed set contains communication dated 03.02.2025 from the defendant to the plaintiff. In this communication, the defendant has stated that the word



C.S.(Comm.Div.) No.30 of 2025

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DEEPAM is no longer being used as a trade mark by the defendant. Instead, it is stated that the current trade mark of the defendant is a device mark consisting of the words PATTABI LAMP OIL. In view thereof, learned counsel for the plaintiff submits, on instructions, that he is not prosecuting the suit any further.

3. Therefore, C.S.(Comm.Div.) No.30 of 2025 is disposed of in view of the above developments. There shall be no order as to costs. Consequently, the connected applications are closed.

03.03.2025

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Index : Yes / No

Internet : Yes / No

Neutral Citation: Yes / No

SENTHILKUMAR RAMAMOORTHY,J

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