



IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED: 24.03.2025

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THE HONOURABLE MR.JUSTICE SENTHILKUMAR RAMAMOORTHY

O.A.Nos.76 & 77 of 2025
in C.S.(Comm.Div.) No.31 of 2025

M/s Kaleesuwari Refinery Private Limited
Represented by its Authorised Signatory
No. 53 Rajasekaran Street Opp Kalyani Hospital
Dr Radhakrishnan Salai Mylapore Chennai

... Applicant

-vs-

THEERTHA
No.15, Velachery Medavakkam Main Road,
Near Aathipuriswarar Temple,
Pallikaranai, Chennai - 100.

... Respondent

For Applicant : Mr.Dhanush
for M/s.Vijayan Subramanian

ORDER

In a suit seeking relief in respect of alleged infringement of trade mark and passing off, the plaintiff had presented the above applications to restrain infringement and passing off. By order dated 30.01.2025, orders of ad interim injunction as prayed for were issued and notice was ordered on the



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respondent. At the hearing on 03.03.2025, it was recorded that notice was served on the defendant in the application on 31.01.2025. Since the defendant had not entered appearance in spite of receipt of notice, the Registry was directed to print the name of the defendant in the cause list. Although the name of the defendant is printed in the cause list, the defendant remains unrepresented at today's hearing.

2. The plaintiff has placed on record both the registration certificate and the legal use certificate relating to the work mark DHEEPAM. The legal use certificate mentions that the plaintiff has used the mark since 14.10.2009. The registration is in class 4 relating to lamp oil and illuminating oil for non-edible purposes. The turnover details in the form of a certificate from the Chartered Accountant has been placed on record. For financial year 2021-22, the certificate indicates a turn over of Rs.125.18 crores and advertising expenditure of Rs.4.90 crores.

3. The suit was preceded by a cease and desist notice dated



10.12.2024, which the defendant received on 12.12.2024, but did not reply

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4. In the above facts and circumstances, on comparing the plaintiff's label and the defendant's label, it is evident that the defendant's impugned mark "DEEPAM OIL" is deceptively similar to the plaintiff's label. The trade marks are also applied in relation to identical goods. Therefore, these applications are disposed of by making the orders of interim injunction absolute.

24.03.2025
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SENTHILKUMAR RAMAMOORTHY,J

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