



C.S.(Comm.Div.) No.39 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED: 07.07.2025

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THE HONOURABLE MR.JUSTICE SENTHILKUMAR RAMAMOORTHY

C.S.(Comm.Div.) No.39 of 2025
and O.A.Nos.92 & 93 of 2025
and A.No.449 of 2025

M/s.Kaleesuwari Refinery Private Limited,
Represented by its Authorized Signatory,
Mr.A.Saravanan (M – 47 years),
Having Registered Office at
No.53, Rajasekaran Street,
Opp: Kalyani Hospital, Dr.Radhakrishnan Salai,
Mylapore, Chennai 600 004.

... Plaintiff

-VS-

RP Traders
No.1, Perumal Kovil Street,
Balaji Palayam, Manali,
Chennai – 600 068.

... 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:-



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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 “**SUBHA MANGALA 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 “**SUBHA MANGALA 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 mark / label of “**SUBHA MANGALA DEEPAM**”.



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(d). 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 **“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 : Ms.N.Lavanya

JUDGMENT



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WEB COPY The suit was filed seeking remedies in respect of alleged infringement of the plaintiff's registered trade mark DHEEPAM by use of the impugned trade mark SUBHA MANGALA DEEPAM and for alleged passing off.

2. Pursuant to negotiations, parties have reached a settlement and recorded the terms thereof in joint compromise memo dated 09.06.2025. The joint compromise memo has been signed by an authorized signatory of the plaintiff and by M.Prabakaran, the proprietor of the defendant. In the said document, the defendant agreed not to engage in any business by using the trade mark DHEEPAM or any mark deceptively similar thereto. The changed label of the defendant has been annexed to the joint compromise memo and the plaintiff has stated that it has no objection to the use of such changed label. I find no legal impediment to the issuance of a decree in terms of the joint compromise memo.

3. Therefore, C.S.(Comm.Div.) No.39 of 2025 is decreed in terms of



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joint compromise memo dated 09.06.2025, which shall form an integral part

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of the decree. In view of the compromise, there will be no order as to costs.

Consequently, the connected applications are closed.

07.07.2025

rna

Index : Yes / No

Internet : Yes / No

Neutral Citation: Yes / No

SENTHILKUMAR RAMAMOORTHY,J



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