



C.S.(Comm.Div)No.73 of 2025

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.07.2025

CORAM :

THE HON'BLE MR.JUSTICE SENTHILKUMAR RAMAMOORTHY

C.S.(Comm.Div)No.73 of 2025
and O.A.Nos.262 & 263 of 2025
& A.No.1344 of 2025

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

VS.

Jayadurga Oil Mills Pvt. Ltd.,
S.No.44/3, Karumbur Road, Puthupet (PO),
Thorapadi (TP), Panruti Taluk,
Cuddalore District, Tamil Nadu-607 106. .. Defendant

Prayer : Complaint is filed under Order VII Rule 1 of the CPC Read With Order IV Rule 1 of the High Court Original Side Rules and Sections 134 & 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 "DHEEPAM" 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, associated 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 "DHEEPAM" 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 "DHEEPAM";

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



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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.Vijay Raghavan

JUDGMENT

The suit was filed seeking relief in respect of alleged infringement of trade mark and passing off. The parties have arrived at a settlement and recorded the terms thereof in memorandum of compromise dated 24.04.2025. Such memorandum of compromise is signed by Mr.A.Saravanan, Authorised Signatory of the plaintiff, and by Mr.D.Ganesan, director of the defendant. The respective counsel have also signed the document.



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2. In the memorandum of compromise, the defendant has undertaken not to engage in any business by using the impugned mark DHEEPAM. The changed label of the defendant is annexed as annexure-A. The plaintiff has recorded that it has no objection to the defendant using the name 'lamp oil'. I see no legal impediment to the suit being disposed of in terms of the memorandum of compromise.

3. Therefore, C.S.(Comm.Div)No.73 of 2025 is decreed in terms of memorandum of compromise dated 24.04.2025, which shall form an integral part of the decree. In view of the settlement, there will be no order as to costs. Consequently, connected applications stand closed.

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SENTHILKUMAR RAMAMOORTHY,J.

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