



C.S.(Comm.Div.) No.289 of 2023
O.P.(TM)Nos.8, 10 to 12 of 2023 &
OP(CR)No.2 of 2023

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17.07.2025

CORAM

THE HONOURABLE MR.JUSTICE SENTHILKUMAR RAMAMOORTHY

C.S.(Comm.Div.) No.289 of 2023,
O.P.(TM)Nos.8, 10 to 12 of 2023, OP(CR)No.2 of 2023 and
O.A.Nos.1008 to 1010 of 2023 & A.No.1652 of 2025

C.S.(Comm.Div.) No.289 of 2023

M/s. TTK Prestige Limited,
First Floor, 91, Santhome High Road,
Santhome, Chennai - 600 028.
Represented by its Authorised Signatory,
Mr. G.Ramesh Babu.

... Plaintiff

-VS-

Mr. Kailashkumar Punmaji Mali,
Trading as M/s.Click Home Appliances,
Shree Narayan Industrial Estate,
Gala No. 7/8, Bilal Pada,
G Palghar Vasai Virar,
Maharashtra - 401208.
(Amended as per order of this Court dated
26.09.2024 in A.No.4421 of 2024)

... Defendant



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Prayer: Plaintiff is filed under Order IV Rule 1 of the Original Side Rules Read With Order VII Rule 1 of the CPC, Sections 27, 28, 29, 134 & 135 of the Trade Marks Act, 1999, Sections 51, 55 and 62 of the Copyrights Act, 1957 and Section 7 of the Commercial Courts Act, 2015, praying to grant a judgment and decree on the following terms:-

(a) Permanent Injunction restraining the Defendant, by themselves, their partners/proprietors, heirs, legal representatives, successors-in-business, assigns, servants, agents, distributors, representatives or any of them from in any manner infringing the plaintiff's registered trademarks 'PRESTIGE' by use of deceptively similar trade mark 'PARETIGE' or any other deceptively similar mark in any manner whatsoever;

(b) Permanent injunction restraining the Defendant, by themselves, their partners/proprietors, heirs, legal representatives, successors-in-business, assigns, servants, agents, distributors, representatives or any of them from in any manner infringing the Plaintiff's registered copyright in the artistic works PRESTIGE logo by use of a deceptively similar logo bearing the artistic work PARETIGE, which is a slavish imitation of the Plaintiff's said artistic works or in any other manner whatsoever;

(c) Permanent injunction restraining the Defendant, by themselves, their partners/proprietors, heirs, legal representatives, successors-in-



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business, assigns, servants, agents, distributors, representatives or any of them from passing off and enabling others to pass off the Defendants' products as and for the Plaintiff's by use of deceptively similar trademark and artistic work PARETIGE or any other deceptively similar mark or artistic work whatsoever;

(d) Directing the Defendants to render account of profits made by use of deceptively similar trademark and artistic work "PARETIGE", and pass a decree in favour of the Plaintiff for the amount of profits thus found to have been made by the Defendants after the latter have rendered accounts;

(e). The defendant be ordered to pay to the plaintiff a sum of Rs.10,00,000/- as damages for committing acts of infringement of trade mark and copyright and passing off;

(f) for costs of the suit.

For Plaintiff : Ms.Shruthi Srinivasan
for Mr.Arun C.Mohan

For Defendant : Mr.P.T.Kannan
for Mr.V.Kannan



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WEB COPY OP(TM)Nos.8, 10 to 12 of 2023

TTK Prestige Limited,
First Floor, 91, Santhome High Road,
Santhome, Chennai - 600 028.
Represented by its Constituted Attorney
Mr. G.Ramesh Babu.

... Petitioner

-VS-

1. Mr. Kailashkumar Punmaji Mali,
Trading as M/s.Click Home Appliances,
Shree Narayan Industrial Estate,
Gala No. 7/8, Bilal Pada,
G Palghar Vasai Virar,
Maharashtra - 401208.
(Amended as per order of this Court dated
26.09.2024 in (TM)A.Nos.99, 100, 102 & 101 of 2024 in
OP(TM)Nos.8, 10 to 12 of 2023)

2. The Registrar of Trade Marks,
Trade Marks Registry,
Boudhik Sampada Bhawan,
Antop Hill, SM Road, Mumbai-400 037.

... Respondents

Prayer in OP(TM)No.8 of 2023: Original Petition (Trademarks) filed under
Section 57 of the Trade Marks Act, 1999, to Remove /expunge/rectify the
entry relating to Registration No.4090772 in Class 8 and award costs in
favour of the Petitioner.

Prayer in OP(TM)No.10 of 2023: Original Petition (Trademarks) filed



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under Section 57 of the Trade Marks Act, 1999, to Remove /expunge/rectify the entry relating to Registration No.4090774 in Class 21 and award costs in favour of the Petitioner.

Prayer in OP(TM)No.11 of 2023: Original Petition (Trademarks) filed under Section 57 of the Trade Marks Act, 1999, to Remove /expunge/rectify the entry relating to Registration No.4090773 in Class 11 and award costs in favour of the Petitioner.

Prayer in OP(TM)No.12 of 2023: Original Petition (Trademarks) filed under Section 57 of the Trade Marks Act, 1999, to Remove /expunge/rectify the entry relating to Registration No.3894589 in Class 7 and award costs in favour of the Petitioner.

In OP(TM)Nos.8, 10 to 12 of 2023

For Petitioner : Ms.Shruthi Srinivasan
for Mr.Arun C.Mohan



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For R1

: Mr.P.T.Kannan
for Mr.V.Kannan

For R2

: Mr.K.Balaji, CGSC

OP(CR)No.2 of 2023

TTK Prestige Limited,
First Floor, 91, Santhome High Road,
Santhome, Chennai - 600 028.
Represented by its Constituted Attorney
Mr. G.Ramesh Babu.

... Petitioner

-VS-

1. Mr. Kailashkumar Punmaji Mali,
Trading as M/s.Click Home Appliances,
Shree Narayan Industrial Estate,
Gala No. 7/8, Bilal Pada,
G Palghar Vasai Virar,
Maharashtra - 401208.
(Amended as per order of this Court dated
26.09.2024 in (CR)A.No.7 of 2024 in OP(CR)No.2 of 2023)

2. The Registrar of Copyright
Copyright Office, Boudhik Sampada Bhawan,
Plot No.32, Sector 14, Dwarka,
New Delhi 110078.

... Respondents



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Prayer: Original Petition (Copyright) filed under Section 50 of the Copyright Act, 1957, to remove/expunge/rectify the entry relating to copyright PARETIGE under No. A-142146/2022 and award costs in favour of the Petitioner.

For Petitioner : Ms.Shruthi Srinivasan
for Mr.Arun C.Mohan

For R1 : Mr.P.T.Kannan
for Mr.V.Kannan

For R2 : Mr.K.Balaji, CGSC

JUDGMENT

Parties have entered into memorandum of compromise dated 17.07.2025. The said memorandum of compromise has been executed by an authorised signatory of the plaintiff and by the proprietor of the defendant. The respective counsel have also signed the document.

2. In clause 3 of the memorandum of compromise, the defendant confirms that it used the registered trade mark “PARETIGE” until 29.04.2024 for its products and that the use of the said trade mark and



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copyright was discontinued thereafter. In clause 4, the defendant has consented to the rectification petitions mentioned therein being allowed. I see no legal impediment to the disposal of the suit and the rectification petitions in terms thereof.

3. Accordingly, it is ordered as follows:

(i) C.S.(Comm.Div)No.289 of 2023 is decreed in terms of memorandum of compromise dated 17.07.2025, which shall form an integral part thereof.

(ii) OP(TM)No.8 of 2023 is allowed by directing that Trade Mark No.4090772 in Class 8 be expunged from the register of trade marks within 30 days from the date of receipt of a copy of this order.

(iii) OP(TM)No.10 of 2023 is allowed by directing that Trade Mark No.4090774 in Class 21 be expunged from the register of trade marks within 30 days from the date of receipt of a copy of this order.

(iv) OP(TM)No.11 of 2023 is allowed by directing that Trade Mark No.4090773 in Class 11 be expunged from the register of trade marks



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within 30 days from the date of receipt of a copy of this order.

(v) OP(TM)No.12 of 2023 is allowed by directing that Trade Mark No. 3894589 in Class 7 be expunged from the register of trade marks within 30 days from the date of receipt of a copy of this order.

(vi) OP(CR)No.2 of 2023 is allowed by directing that Copyright No. A-142146/2022 be expunged from the register of copyrights within 30 days from the date of receipt of a copy of this order.

(vii) Consequently, connected O.A.Nos.1008 to 1010 of 2023 & A.No.1652 of 2025 are closed.

(viii) There shall be no order as to costs.

17.07.2025

Index :Yes / No
Internet :Yes / No
Neutral Citation :Yes / No

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SENTHILKUMAR RAMAMOORTHY,J

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To

1. The Registrar of Trade Marks,
Trade Marks Registry,
Boudhik Sampada Bhawan,
Antop Hill, SM Road, Mumbai-400 037.

2. The Registrar of Copyright
Copyright Office, Boudhik Sampada Bhawan,
Plot No.32, Sector 14, Dwarka,
New Delhi 110078.

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17.07.2025