



C.S.(Comm.Div.) No.256 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED: 23.06.2025

CORAM

THE HONOURABLE MR.JUSTICE SENTHILKUMAR RAMAMOORTHY

**C.S.(Comm.Div.) No.256 of 2024**

1.Aquapump Industries

Tudiyalur Post,

Coimbatore 641 034

and also at

No.276/184, Linghi Chetty Street,

George Town,

Chennai 600 001

Rep by its Managing Partner

Mr.Ramaswamy Kumaravelu

2.Aquasub Engineering

Tudiyalur Post,

Coimbatore 641 034

and also at

No.276/184, Linghi Chetty Street,

George Town,

Chennai 600 001

Rep by its Managing Partner

Mr.Ramaswamy Kumaravelu

... Plaintiffs

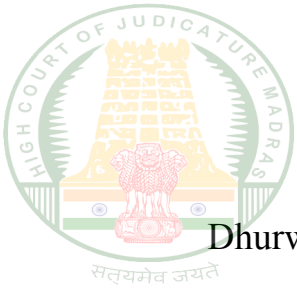
-VS-

Vinod Kumar Rachodmal Rathod

Laxmi Nivas, Near Eshwar Temple,

CBT Killa, Hubli,

1/8



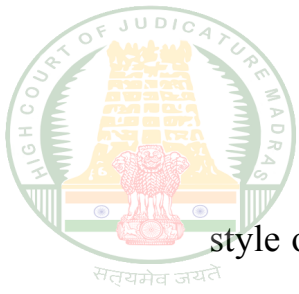
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Dhurwad, Karnataka 580 020.

... Defendant

**WEB COPY PRAYER:** Civil Suit (Commercial Division) filed under Order Iv Rule 1 of O.S.Rules and Order VII Rule 1 of the CPC Read With Sections 27, 134 & 135 of the Trade Marks Act, 1999, praying to grant a judgment and decree on the following terms:-

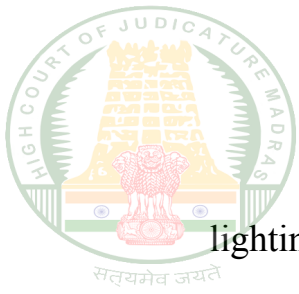
(a) Granting a permanent injunction, restraining the defendant, by itself, their servants, agents, distributors, or any one claiming through them from manufacturing, selling, advertising and offering for sale using the Trade Marks 'PRIDE TEXMO', 'MP TEXMO' & 'BLH TEXMO' as such or prefix or suffix in any Pumps or Motors or any related goods And Parts included in Class 7 or in any UPS, CVT, Inverter, Battery, Voltage Stabilizers, Stabilizer Transformer, Wire And Cables, Electrical Conduit, Switch & Switches Accessories, Electrical Switch Board, Socket, Electrical Capacitors, Condensers (Capacitor), Electronic Connectors, Switchgears, Electrical Connectors, Multi-Plugs, MCB Box, Distribution Box, Electric Control Panels And Electrical Sockets included in Class 9 or in any Electric lighting or heating apparatus or related goods and parts included in Class 11 or in any other goods manufactured and sold by the Defendant or its trading



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style or in any media and use the same in invoices, letter heads and visiting cards or by using any other trade mark which is in any way visually, or phonetically identical or deceptively similar to the Plaintiffs' registered Trade Mark TEXMO or in any manner infringing the Plaintiffs Registered Trade Mark Nos. 315049 (SP-I), (SP-II) & 315050 (SP-I), (SP-II) renumbered as 2702778, 2702779, 2702780, 2702781, 1961986 & 1961987 respectively.

(b) Granting a permanent injunction, restraining the Defendant, by itself, their servants, agents, distributors, or anyone claiming through them from manufacturing, selling, advertising and offering for sale using the Trade Marks 'PRIDE TEXMO', 'MP TEXMO' & 'BLH TEXMO' as such or prefix or suffix in any Pumps or Motors or any related goods And Parts included in Class 7 or in any UPS, CVT, Inverter, Battery, Voltage Stabilizers, Stabilizer Transformer, Wire And Cables, Electrical Conduit, Switch & Switches Accessories, Electrical Switch Board, Socket, Electrical Capacitors, Condensers (Capacitor), Electronic Connectors, Switchgears, Electrical Connectors, Multi-Plugs, MCB Box, Distribution Box, Electric Control Panels And Electrical Sockets included in Class 9 or in any Electric



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lighting or heating apparatus or related goods and parts included in Class 11 or in any other goods manufactured and sold by the Defendant or its trading style or in any media and use the same in invoices, letter heads and visiting cards or by using any other trade mark which is in any way visually, or phonetically identical or deceptively similar to the Plaintiffs' registered Trade Mark TEXMO or in any manner pass off the Plaintiffs' goods.

(c) Directing the Defendant to surrender to the Plaintiffs all the goods, packing materials, cartons, advertisement materials and hoardings, letterheads, visiting cards, office stationery and all other materials containing / bearing the Trade Marks 'PRIDE TEXMO', 'MP TEXMO' & 'BLH TEXMO' or other deceptively similar mark to the Plaintiffs' Trade Mark TEXMO.

(d) Directing the Defendant to render an account of profits made by them by the use of the impugned Trade Marks 'PRIDE TEXMO', 'MP TEXMO' & 'BLH TEXMO' on the goods included in Classes 7, 9 & 11 and decree the suit for the profits found to have been made by the Defendant, after the Defendant has rendered account.



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(e) Directing the Defendant to pay to the Plaintiffs the costs of the suit.

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For Plaintiffs : Ms.Gladys Rosette C.Daniel  
for M/s.C.Daniel

For Defendant : Ms.N.Devi

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### **JUDGMENT**

The suit was filed seeking relief in respect of alleged trade mark infringement and passing off. Parties have reached a settlement and recorded the terms thereof in Memorandum of Compromise dated 09.06.2025. The said document has been executed by the Managing Partners of the first and second plaintiffs and by the defendant. The respective counsel have also signed. The memorandum of compromise records that the defendant undertakes to withdraw the applications for registration of the trade marks mentioned in paragraph 4 thereof. It further records that the defendant undertakes not to assert any right in respect of the expression TEXMO or other marks deceptively similar to the plaintiff's trade



marks TEXMO, PRIDE TEXMO, MP TEXMO, BLH TEXMO and the following device mark:



2. The defendant has submitted itself to a permanent injunction as per relief claimed in clauses (a) and (b) of paragraph 23 of the plaint. The plaintiff has agreed to relinquish relief claimed in clauses (c), (d) and (e) of paragraph 23 of the plaint. I see no legal impediment to the issuance of a decree in terms of the memorandum of compromise.

3. Therefore, C.S.(Comm.Div.) No.256 of 2024 is decreed in terms of clauses (a) and (b) of paragraph 23 of the plaint. The memorandum of



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compromise shall form an integral part of the decree. In view of the settlement, there will be no order as to costs.

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**23.06.2025**

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Index : Yes / No

Internet : Yes / No

Neutral Citation: Yes / No



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**SENTHILKUMAR RAMAMOORTHY,J**

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**23.06.2025**