



IN THE HIGH COURT OF JUDICATURE AT MADRAS

Reserved on 28.11.2025	Pronounced on 11.12.2025
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THE HONOURABLE MR.JUSTICE N.SENTHILKUMAR

REV.PET(IPD) No.1 of 2025

in

(T)OP(CR) No.1 of 2024

Marico Limited
7th Floor, Grande Palladium,
175, CST Road, Kalina,
Santa Cruz(East), Mumbai 400098

Petitioner (s)

Vs

1.Prahalad Rai Kedia
Proprietor, Kedia Industries,
Sy.No.12, Hayathnagar, R.R.District,
Hyderabad, Telangana.

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

Respondent(s)

PRAYER

Review Petition filed under Order XIV Rule 8 of O.S. Rules r/w.Order XLVIII Rule 1(a) and Section 114 of the Code of Civil Procedure, 1908, to review the order dated 11.11.2025 made in (T)OP(CR)No.1 of 2024

For Petitioner (s): Mr.P.S.Raman
 Senior Counsel
 for Mr.Arun C.Mohan



For Respondent(s): Mr.K. Subbu Ranga Bharathi, for R2
Central Government Standing Counsel

ORDER

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This Review Petition has been filed to review the order dated 11.11.2025 made in (T)OP(CR)No.1 of 2024.

2.The learned senior counsel for the Petitioner submitted that while deciding the impugned order, this Court omitted to consider the Judgment of the Division Bench of Delhi High Court in C.S.(Comm).No.1569 of 2016 dated 27.08.2018 and F.A.O.(O.S.)(COMM).No.310 of 2018 dated 21.12.2018. These cases involve the same parties and the same issue. In those cases, the 1st Respondent was restrained and the Suit was decided in favour of the Petitioner regarding the very same issue involved in the present proceedings. Apart from that, the Delhi High Court directed the 1st Respondent to withdraw its copyright registration No.A-85790/2009.

3.The learned senior counsel for the Petitioner further submitted that the Court did not consider the Petitioner's argument that the Respondent obtained its copyright in violation of Section 45(1), as the Respondent failed to disclose the Petitioner's prior trademark registrations, which are identical. The Court ignored the earlier orders passed by the Courts protecting the Petitioner's trademark, including the Bombay High Court judgment dated 05.03.2013.



4.The learned senior counsel for the Petitioner further submitted that the Court observed that the Petitioner wants to “monopolise” the coconut oil trade. This observation affected the final conclusion and is an error on the face of the record. The Petitioner clarifies that it is only protecting its lawful intellectual property rights. According to the petitioner, the Court did not consider important documents such as the Petitioner’s earlier copyrights, trademarks, favourable orders showing that the Respondent repeatedly infringed the Petitioner’s trade mark since 2002. The Court relied on the Respondent’s claim in its response to the cease and desist notice, even though the Respondent has a history of copying. According to the petitioner, the Court did not consider that the Respondent is using its copyright registration as a shield to continue infringement, which is against the purpose of the Copyright Act. The Court treated the Respondent’s reply dated 04.07.2017 as reliable evidence, even though the Respondent was set exparte.

5.Heard the learned counsel for the Petitioner, the learned counsel for the 2nd Respondent and perused the available records.

6.The ground taken by the petitioner is that the petitioner is enjoying the order passed by the Delhi High Court in C.S.(Comm.Div.) No.1569 of 2016 on



27.08.2018 and FAO(OS)(Comm.Div.)No.310 of 2018 dated 21.12.2018, wherein an identical issue between the same parties has been decided by the Division Bench of Delhi High Court, which was not considered by this Court while passing the impugned order.

7.The Hon'ble Supreme Court in catena of judgments has dealt with the limited scope of exercise of power to review:

(a) In the case of *Shri Ram Sahu (Dead) through Legal Representatives and Others vs. Vinod Kumar Rawat and Others* reported in (2021) 13 SCC 1, the Hon-ble Supreme Court referring to an earlier Full Bench decision in *Shivdev Singh vs. State of Punjab* reported in AIR 1963 SC 1909 has noted that

“the power of review may be exercised on the discovery of new and important matter or evidence which, after the exercise of due diligence was not within the knowledge of the person seeking the review or could not be produced by him at the time when the order was made; it may be exercised where some mistake or error apparent on the face of the record is found; it may also be exercised on any analogous ground. But, it may not be exercised on the ground that the decision was erroneous on merits.”

(b) In the case of *S.Madhusudhan Reddy vs. V.Narayana Reddy and Others* reported in 2022 SCC OnLine SC 1034, the Hon'ble Supreme Court has referred to the judgment in *Kamlesh Verma v. Mayawati* which is extracted hereunder:

“this Court observed that review proceedings have to be strictly confined to the scope and ambit of Order XLVII Rule 1, CPC. As long as the point sought to be raised in the review application has already been dealt with and answered, parties are not entitled to challenge the impugned judgment only because an alternative view is possible. The principles for exercising review jurisdiction were succinctly summarized in the captioned case as below:



“20. Thus, in view of the above, the following grounds of review are maintainable as stipulated by the statute:

20.1. When the review will be maintainable:

(i) Discovery of new and important matter or evidence which, after the exercise of due diligence, was not within knowledge of the petitioner or could not be produced by him;

(ii) Mistake or error apparent on the face of the record;

(iii) Any other sufficient reason.

The words “any other sufficient reason” has been interpreted in Chajju Ram v. Neki, and approved by this Court in Moran Mar Basselios Catholicos v. Most Rev. Mar Poulouse Athanasius to mean “a reason sufficient on grounds at least analogous to those specified in the rule”. The same principles have been reiterated in Union of India v. Sandur Manganese & Iron Ores Ltd.,

20.2. When the review will not be maintainable:-

(i) A repetition of old and overruled argument is not enough to reopen concluded adjudications.

(ii) Minor mistakes of inconsequential import.

(iii) Review proceedings cannot be equated with the original hearing of the case.

(iv) Review is not maintainable unless the material error, manifest on the face of the order, undermines its soundness or results in miscarriage of justice.

(v) A review is by no means an appeal in disguise whereby an erroneous decision is re~heard and corrected but lies only for patent error.

(vi) The mere possibility of two views on the subject cannot be a ground for review.

(vii) The error apparent on the face of the record should not



be an error which has to be fished out and searched.

(viii) The appreciation of evidence on record is fully within the domain of the appellate court, it cannot be permitted to be advanced in the review petition.

(ix) Review is not maintainable when the same relief sought at the time of arguing the main matter had been negated.”

(c) The recent judgment of the Hon’ble Supreme Court in the case of *S.Murali Sundaram vs. Jothibai Kannan and Others* reported in 2023 SCC OnLine SC 185, the Hon’ble Supreme Court has referred to the following observations:

“15. While considering the aforesaid issue two decisions of this Court on Order 47 Rule 1 read with Section 114 CPC are required to be referred to. In the case of Perry Kansagra (supra) this Court has observed that while exercising the review jurisdiction in an application under Order 47 Rule 1 read with Section 114 CPC, the Review Court does not sit in appeal over its own order. It is observed that a rehearing of the matter is impermissible in law. It is further observed that review is not appeal in disguise. It is observed that power of review can be exercised for correction of a mistake but not to substitute a view. Such powers can be exercised within the limits of the statute dealing with the exercise of power. It is further observed that it is wholly unjustified and exhibits a tendency to rewrite a judgment by which the controversy has been finally decided. After considering catena of decisions on exercise of review powers and principles relating to exercise of review jurisdiction under Order 47 Rule 1 CPC this Court had summed upon as under:

“(i) Review proceedings are not by way of appeal and have to be strictly confined to the scope and ambit of Order 47 Rule 1 CPC.

(ii) Power of review may be exercised when some mistake or error apparent on the fact of record is found. But error on the face of record must be such an error which must strike one on mere looking at the record and would not require any long-drawn process of reasoning on the points where there may conceivably be two opinions.



(iii) *Power of review may not be exercised on the ground that the decision was erroneous on merits.*

(iv) *Power of review can also be exercised for any sufficient reason which is wide enough to include a misconception of fact or law by a court or even an advocate.*

(v) *An application for review may be necessitated by way of invoking the doctrine actus curiae neminem gravabit.”*

16. It is further observed in the said decision that an error which is required to be detected by a process of reasoning can hardly be said to be an error on the face of the record.”

8. In its entirety, the scope of review is very limited. Unless there is an error apparent on the face of record, the Court cannot review the order as categorically held by the Hon'ble Supreme Court in the judgments referred to supra.

9. In the judgments cited above, it is observed that the Review Court has to look only whether there is an error apparent on the face of record in the impugned order and whether there is discovery of any new matter or evidence which was not within the knowledge of the Applicant when the order was made. Only on such circumstances, the order could be reviewed and for any other reasons, the power of review may not be exercised.

10. The first ground taken in the review petition is as follows:

“The Hon'ble Court in its Impugned Order has inadvertently



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omitted to consider the judgment and decree of the Hon'ble Division Bench of the Delhi High Court placed on record by the Review Applicant, bearing CS (Comm) No. 1569 of 2016 dated 27.08.2018 and FAO(OS)(COMM) No. 310 of 2018 dated 21.12.2018, wherein the identical issue between the same parties has been decided by the Hon'ble Division Bench of the Delhi High Court. The 1st Respondent was injuncted and the suit was decreed in favour of the Review Applicant in respect of the identical label/artwork which is forming the subject matter of the present proceedings."

It is to be noted that the above said Division Bench order which was relied upon by the review petitioner was not placed before this court either by way of an additional typed set of papers when (T)OP(CR) No. 1 of 2024 was argued for final hearing. The said orders have been circulated only at the time of arguing the review petition and it was placed before this Court in their additional typed set of papers, dated 25.11.2025 and therefore, the first ground taken by the review petitioner that the court has not considered the judgments of the Delhi High Court is not only misleading but also utter falsehood. This Court deprecates such kind of arguments stating that the court has not considered the orders passed in favour of the petitioner, while the said orders were not brought to the knowledge of this Court, when the impugned order was passed.

11. In view of the dictum laid down by the Hon'ble Apex Court in the constitution bench decision, the present Review Petition cannot be entertained as the Applicant has failed to produce the judgments of the Delhi High Court



which are passed in favour of the Applicant. It is a mistake committed by the review petitioner, who has failed to produce the said judgments for consideration of this Court. The impugned order was passed by considering the materials available on record and the submissions on both side. Therefore, there is no error apparent on the face of record in the impugned order. Accordingly, review is not an appropriate remedy in the facts and circumstances of the present case.

12.In view of the same, the Review Petition is dismissed. No costs.

11.12.2025

Index:Yes/No
Speaking/Non-speaking order
Internet:Yes
Neutral Citation:Yes/No

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To

1.Prahalad Rai Kedia
Proprietor, Kedia Industries,
Sy.No.12, Hayathnagar, R.R.District,
Hyderabad, Telangana.

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



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REV.PET(IPD) No. 1 of 2



N.SENTHILKUMAR J.
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Pre-delivery order made in
REV.PET(IPD) No. 1 of 2025
in (T)OP(CR) No. 1 of 2024

11.12.2025