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OP(TM) No. 4 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05-02-2026

CORAM

THE HON'BLE MR JUSTICE N. ANAND VENKATESH

**O.P. (TM) No. 4 of 2025
and (TM) A. No.62 of 2025**

1. Aquapump Industries
Tudiyalur Post, Coimbatore 641034 Rep by its
Managing Partner Mr.Ramaswamy Kumaravelu
2. Aquasub Engineering
Tudiyalur Post, Coimbatore 641034 Rep by its
Managing Partner Mr. Ramaswamy Kumaravelu

..Petitioner(s)

Vs

1. Bolem Omkaar
6-71, Ganeshnagar, Lakshmi Puram, Vepagunta,
Pendurthi, Visakhapatnam,
Andra Pradesh 530047.
2. The Registrar of Trade Marks
Office of the Trade Mark Registry, Intellectual
Property Building, GST Road, Guindy,
Chennai 600032

..Respondent(s)



PRAYER: The Original Petition (Trade Mark) is filed under Sections 47 and 57 of the Trade Marks Act, 1999, to rectify/cancel the registration of the Trade Mark OMKAAR TECSMO (DEVICE) under No. 6056029 dated 08.08.2023 in Class 7 in the name of the 1st respondent granted by the 2nd respondent.

For Petitioner(s): Ms. Gladys Daniel

For Respondent(s): M/s.C.K.M.Appaji for R1

Mr.J. Madanagopal Rao
SPCGSC for R2

ORDER

This petition has been filed to rectify/cancel the registration of the Trade Mark OMKAAR TECSMO (DEVICE) under No. 6056029 dated 08.08.2023 in Class 7 standing in the name of the 1st respondent, granted by the 2nd respondent.

2. The parties have entered into a compromise, and a Memorandum of Compromise has been filed before this Court. The same has been signed by the parties as well as their respective counsel. The first respondent was also present at the time of hearing through video-conferencing mode and confirmed the fact that he has signed the Memorandum of Compromise and that the parties have entered into the compromise. A copy of the Aadhaar Card has also been placed before this Court.



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hereunder:-

3. The relevant clauses in the Memorandum of Compromise are extracted

a) The 1st RESPONDENT acknowledges and admits that PETITIONERS are the proprietors of the trademarks TEXMO, AQUATEX, AQUASUB, AQUASUB ENGINEERING, AQUAPUMP, AQUAPUMP INDUSTRIES & AQUAGROUP.

b) The 1st RESPONDENT hereby agrees and undertakes not to adopt or use the Trademark OMKAAR TECSMO or any other mark deceptively / confusingly similar to the PETITIONERS Trade Mark TEXMO with respect to any products or services.

c) The 1st RESPONDENT hereby agrees and undertakes not to file any Trademark Applications, now or in future for the mark OMKAAR TECSMO or any other mark deceptively / confusingly similar to TEXMO in any classes of goods or services.

d) The 1st RESPONDENT undertakes to withdraw their Trade Mark having Registration No. 6056029 for mark OMKAAR TECSMO in class 07 that is filed before the Trade Marks Registry.

e) The 1st RESPONDENT shall not, now or in future, challenge the rights over PETITIONERS trademarks TEXMO, AQUATEX, AQUASUB, AQUASUB ENGINEERING, AQUAPUMP, AQUAPUMP INDUSTRIES & AQUAGROUP and any other mark containing TEXMO and AQUATEX.



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f) The PETITIONERS and the 1st RESPONDENT shall bear their own costs.

g) In view of the above settlement, the 2nd RESPONDENT shall be given up.

4. In view of the above, this Original Petition is allowed in terms of the Memorandum of Compromise dated 17.09.2025, and the Memorandum of Compromise shall form part of the order. Consequently, there shall be a direction to the 2nd respondent to cancel the registration of the Trade Mark OMKAAR TECSMO (DEVICE) under No. 6056029 dated 08.08.2023 in Class 7, standing in the name of the 1st respondent. No costs. The connected application is also closed.

05-02-2026

Asi



To

1. Bolem Omkaar
6-71, Ganeshnagar, Lakshmi Puram, Vepagunta,
Pendurthi, Visakhapatnam, Andra Pradesh 530047.
2. The Registrar of Trade Marks
Office of the Trade Mark Registry, Intellectual Property
Building, GST Road, Guindy, Chennai 600032



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N.ANAND VENKATESH, J.

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