



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.01.2026

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THE HONOURABLE **MR.JUSTICE SENTHILKUMAR RAMAMOORTHY**

O.A.Nos.102 & 103 of 2020
in C.S.No.65 of 2020

In both applications:

M/s. Good Buy Soaps and Cosmetics Pvt. Ltd.,
Represented by its Managing Director Mr.K.P.Khalid
5/46, Industrial Development Area,
Pudussery, Kanjikode West, Pin-678623,
Palakkad District, Kerala.

... Applicant/Plaintiff

-VS-

M/s. Hibiscus Pharmaceuticals Pvt. Ltd.,
Represented by its Director Mr.Srinivasan Ashalatha,
Old No.50/3, New No.26/3, Ground Floor,
Elango Nagar Main Road,
Virugambakkam, Chennai-600 009.

... Respondent/Defendant

Prayer in O.A.No.102 of 2020: Original Application is filed under Order XIV Rule 8 of the O.S.Rules Read With Order XXXIX Rules 1 & 2 of the CPC and Section 134 of the Trade Marks Act, 1999, to grant interim



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injunction restraining the Respondent by themselves, its legal representatives, successors in business, servants, agents, distributors, stockiest, representatives and/or all persons claiming under them or acting in concert with them or otherwise howsoever from selling, distributing or offering for sale of bathing soap under the trademark CUTIES and/or device



and in any manner passing off or enabling others to pass off the Respondents bathing soap as and for the goods of the Applicant by use of the trademark CUTIES or any other mark similar to the trademark CUTEET of the Applicant or in any other manner whatsoever.

Prayer in O.A.No.103 of 2020: Original Application is filed under Order XIV Rule 8 of the O.S.Rules Read With Order XXXIX Rules 1 & 2 of the CPC and Sections 28, 29 & 134 of the Trade Marks Act, 1999, to grant interim injunction restraining the Respondent by themselves, its legal representatives, successors in business, servants, agents, distributors, stockiest, representatives and/or all persons claiming under them or acting in concert with them or otherwise howsoever from manufacturing, selling, distributing or offering for sale of bathing soap under the trademark CUTIES and/or device





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or any other trademarks deceptively similar thereto and thereby infringing Applicant's registered trademarks.

In both OAs.

For Applicant : Mr.Suresh
for M/s. Shivakumar and Suresh

For Respondents : Mr.R.Sathish Kumar

COMMON ORDER

Learned counsel for the plaintiff submits that the rectification petition pending before the Registrar of Trade Marks was directed to be transferred to the file of this Court. He submits that the papers are still awaited.

2. The first defendant had filed counter affidavit dated 13.02.2025 in A.Nos.4285 & 4286 of 2024. In the said affidavit, the first defendant had undertaken as under:

“ 2) At the outset, the respondents state that they tender their unconditional apology to this Hon'ble Court



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for any violation of the interim injunction granted by this Hon'ble Court which was neither wilful nor wanton nor deliberate and only due to the miscommunication between us and our erstwhile counsel. It is stated that we were informed that we have to defend the matter by filing our counter and written statement by our erstwhile counsel and which we have duly done. However, we were not informed regarding the interim orders against us and the restraint passed by an order of Court. Only when the application for contempt was filed, we became aware of the interim order against us and have immediately discontinued the use of the trademark CUTIES BATHING BAR. I also hereby unequivocally undertake that the said trademark will not be used by the respondents herein till the disposal of the suit. In the circumstances, the respondents hereby express unconditional apology and regret. I state that the acts of the respondents complain were not wilful and hence may kindly be pardoned. ”

Recording the said undertaking, these original applications are disposed of.

28.01.2026

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SENTHILKUMAR RAMAMOORTHY,J

kj

O.A.Nos.102 & 103 of 2020
in C.S.No.65 of 2020

28.01.2026
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