



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25.03.2026

CORAM

THE HON'BLE MR JUSTICE SENTHILKUMAR RAMAMOORTHY

(T)OP(TM) No. 506 of 2023

M/s. Lakshmi Appliances, rep by C. Heera Ram
No. 648, Thomas Street,
Coimbatore - 641 001,
Tamil Nadu.

..Petitioner

Vs

1. M/s. Rajeswar Industries,
By Its Proprietor Bhawaesh Patel,
No. 425/1, Thaneer Pandal,
Vilankuruchi Road,
Coimbatore - 641 004.
2. The Assistant Registrar Trademarks,
Trademarks Registry,
Chennai .

..Respondents

To call for and examine the records of the said registered Service mark No. 3331570 in class 21 registered in favour of the Registrar of Trade Marks to rectify the said trademark No. 3331570 in class 21 in the Register by expunging all the entries relating to the said service mark No. 3331570 and to pay the costs of the present proceedings.

For Petitioners: Mr.A. Swaminathan

For Respondents: Mr.C. Samivel,
Senior Panel Counsel for R2
No appearance for R1

ORDER

The petitioner manufactures and markets *inter alia* non-stick cookware and thermally insulated food containers under the word mark



LAKSHMI, including variants thereof. Upon noticing the use of the following mark



by the first respondent in relation to identical products, the petitioner has applied for rectification of the entry relating thereto by removing said mark from such register.

2. At the hearing on 05.02.2026, it was recorded that Mr.A.K.Rajaraman, Advocate, is withdrawing on account of not having received instructions from the first respondent. Therefore, the name of the first respondent was printed in the cause list for the hearing on 18.03.2026. The first respondent remained unrepresented on said date. In order to provide further opportunity to the said respondent, the matter was listed today. The first respondent continues to remain unrepresented even today. Hence the matter is proceeded with in the absence of the first respondent.

3. The petitioner adduced evidence by examining Mr.C.Heera Ram, Proprietor, as a witness. In course of the examination in chief of P.W.1, 18 documents were exhibited as Exs.P1 to P18. P.W.1 was cross-examined by learned counsel for the first respondent. The first respondent did not adduce evidence.



4. Learned counsel for the petitioner referred to invoices issued by the petitioner as proof of use of the petitioner's trade mark. Such invoices have been exhibited as Ex.P5 series. On perusal, it appears that invoices issued between 10.09.2001 and 16.09.2019 have been exhibited. Learned counsel also referred to Ex.P3 series consisting of legal use certificates and status reports pertaining to Trade Mark Nos.1097421, 1355030, 1462967, 1462970, 2405679 and 2405680. He also referred to judgment dated 28.01.2026 in O.S. No.418 of 2018 before the Principal District Judge, Coimbatore. He pointed out that the suit was decreed by granting permanent injunctions as prayed for restraining the defendant from using the marks impugned therein, viz., SUBA LAKSHMI/MUTHU LAKSHMI or any other marks deceptively similar thereto and by directing the defendant to surrender to the plaintiff for destruction materials bearing the impugned marks.

5. In the counter statement, the main defence raised by the first respondent is that LAKSHMI is the name of a Hindu goddess and that several applications have been lodged in the trade mark office for marks including the word LAKSHMI as an element thereof. In effect, the defence appears to be that the petitioner's mark is common to the trade, *publici juris*. Such assertion is required to be proved by adducing evidence of the extensive and substantial use of said mark. As noticed earlier, the first respondent failed to adduce evidence.



6. The petitioner has provided evidence that he is the prior user of the mark. The rival marks are applied in relation to nearly identical goods.

I notice that the first respondent's mark is a composite mark comprising the word element SUBA and LAKSHMI and the device of leaves above the stylised 'S'. By judgment dated 28.01.2026, the defendant was restrained from using the mark impugned herein. The defendant, i.e., the first respondent herein, did not contest the suit at the final stages. Learned counsel for the petitioner submits that both parties operate from the same geographical area and that this is likely to lead to deception or confusion in the mind of the relevant section of the public.

7. Taking into account the totality of facts and circumstances, I am satisfied that entry relating to the impugned mark was made without sufficient cause. Therefore, this petition is allowed by directing the second respondent to remove the entry relating to Trade Mark No.33315710 in Class 21 from the register of trade marks. This action shall be taken within six weeks from the date of receipt of a copy of this order.

25.03.2026

Index: Yes/No
Neutral Citation: Yes/No
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To

The Assistant Registrar Trademarks,
Trademarks Registry,
Chennai .



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(T)OP(TM) No. 506 of 2



SENTHILKUMAR RAMAMOORTHY, J.

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