



IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED: 04.11.2025

CORAM:

THE HONOURABLE MR. JUSTICE N. SENTHILKUMAR

(T)OP(TM)No.1 of 2025, C.S.(Comm.Div)No.53 of 2024,
O.A.Nos.168 to 172 of 2024 and
A.Nos.4035, 4587 to 4601 & 5302 of 2024

(T)OP(TM)No.1 of 2025

M/s. MRF Limited,
Represented by its Authorised Signatory Mr.M.D.Paul,
Having Registered Office at No.124,
Greams Road,
Chennai 600 006.

.. Petitioner/Plaintiff

Vs.

1. M/s.Mahaluxmi Rubber Udyog
Represented by its Partners Sunny Jhamb, Amit Jhamb, Bindu Jhamb and
Sanjeev Khanna,
Plot No.106, Phase-I, HSIDC Barhi,
Ganaur, Sonipat, Haryana – 131101.

2. M/s. Amman Enterprises,
Having address at 12 LGN Road,
Anna Salai,
Border Thottam,
Chennai, Tamilnadu 600 002. .. Respondents 1 & 2/Defendants 1 & 2

3. The Registrar of Trademarks
Bouddhik Sampada Bhawan,
Plot No 32 Sector 14
Dwarka, New Delhi 110078. ... 3rd Respondent



For Applicant/Plaintiff : Mr. M.S.Bharath

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For R1/D1 : Mr.Arun C.Mohan
for Mr.Adarsh Ramanujan
Ms. Madhupreetha Ilango

For R3 : Mr.R.Subramanian, CGSC

ORDER

Learned counsel for the 1st defendant seeks an adjournment to argue the applications for injunction on merits, filed under Order XXXIX Rules 1 & 2 of the Code of Civil Procedure, 1908 in the trade mark infringement and passing off suit.

2. Mr. M.S.Bharath, learned counsel for the plaintiff, submits that, though the suit has been stayed, an injunction can be granted in view of Section 124(5) of the Trade Marks Act, 1999 (the TM Act).

3. In view of the aforesaid, Section 124(5) of the TM Act is extracted hereunder:

“124(5) The stay of suit for the infringement of a trade mark under this section shall not preclude the court from making any interlocutory order (including any order granting an injunction, directing account to be kept, appointing a receiver or attracting any



property), during the period of the stay of the suit.”

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From the above extract, it is clear that there is no bar to this Court to entertain the injunction application on merits.

4. Learned counsel for the 1st defendant further submits that as against the order dated 12.08.2025 in C.S.(Comm.Div)No.53 of 2024, the 1st defendant has filed SLP in Diary No.62867 of 2025. Therefore, he seeks adjournment to argue the case on merits in the injunction applications.

5. At the request of learned counsel for the 1st defendant, list the matter on 04.12.2025.

04.11.2025

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To

The Registrar of Trademarks
Bouddhik Sampada Bhawan,
Plot No 32 Sector 14
Dwarka, New Delhi 110078.

N. SENTHILKUMAR,J.



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