



WEB COPY



O.A.Nos.847, 848 & 849 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17.09.2025

CORAM

THE HONOURABLE MR.JUSTICE N.SENTHILKUMAR

O.A.Nos.847, 848 & 849 of 2025
and A.Nos.4239, 4240 & 4241 of 2025
in C.S.(Comm.Div.) No.215 of 2025

Renita Lourdhurajan and another
Represented by its Authorised Representative, Mr. Raghavender M M
Having its registered office at, No. 95/44, 4th Floor, Adyar, Chennai City
Corporation, Chennai, Tamil Nadu, India, and another ... Applicants
-VS-

Bigbucks Squad LLP
Rep by its Partner, Having its Registered Office at, Saibabaadivashi Sangh,
Mide Road, No.16, Nhd Shivsena Shakha, Andheri East, Mumbai City,
Mumbai, Maharashtra, India-400093 ... Respondent

For Applicants : Ms.Durga V.Bhatt

ORDER

The present suit concerns the infringement of the plaintiff's registered design pertaining to an LED face mask (Design Registration No. 335364-001, dated 07.09.2022) by the defendant, who is marketing a similar product under the name "SKINCE Pro LED Mask."



O.A.Nos.847, 848 & 849 of 2025

WEB COPY

2.The plaintiff contended that the LED face mask, marketed as the “Light Routine LED Face Mask,” is a result of a novel innovation that integrates technology with skincare. The first plaintiff invested substantial intellectual effort, time, financial resources, and technical expertise in the research, design, and development of this product.

3.Learned counsel for the plaintiffs/applicants submitted that the design specifications of the mask include a spectacle like casing seamlessly integrated with an acrylic sheet contoured to fit the human face, featuring curvature along its sides. This acrylic sheet is securely affixed to the casing and intricately crafted with grooves aligned to the pigmentary lines of the face. LEDs mounted on the spectacle casing emit targeted light through these grooves, enabling focused treatment of various facial skin disorders.

4.The learned counsel for the plaintiffs further submitted that the design was registered under Class 28-03 for the novelty residing in the shape and configuration of the “Light Routine Mask,” as detailed in the application dated 18.11.2020, with the certificate of registration issued on 07.09.2022. The plaintiff issued a cease and desist notice to the defendant



O.A.Nos.847, 848 & 849 of 2025

on 08.03.2025. Though the notice was duly served, the defendant has failed to respond.

WEB COPY

5.The plaintiff has prima facie established that the defendant has infringed upon their registered design, resulting in financial and reputational damage, tipping the balance of convenience in the plaintiff's favor.

6.The Hon'ble Supreme Court has given the following guidelines at the time of grant of interim order in ***Shiv Kumar Chadha V. MCD***, reported in ***1993 SCC (3) 161***, as follows: -

“6. The imperative nature of the proviso has to be judged in the context of Rule 3 of Order 39 of the Code. Before the proviso aforesaid was introduced, Rule 3 said “the court shall in all cases, except where it appears that the object of granting the injunction would be defeated by the delay, before granting an injunction, direct notice of the application for the same to be given to the opposite party”. The proviso was introduced to provide a condition, where court proposes to grant an injunction without giving notice of the application to the opposite party being of the opinion that the subject of granting injunction itself shall be defeated by delay. The condition so introduced is that the court “shall record the reasons” why an ex parte order of injunction was being passed in the facts and circumstances of a particular case. In this background, the requirement for recording the reasons for grant of ex parte injunction cannot be held to be a mere formality. This requirement is consistent with the principle, that a party to a suit, who is



WEB COPY



O.A.Nos.847, 848 & 849 of 2025

being restrained from exercising a right which such party claims to exercise either under a statute or under the common law, must be informed why instead of following the requirement of Rule 3 the procedure prescribed under the proviso has been followed. The party which invokes the jurisdiction of the court for grant of an order of restraint against a party, without affording an opportunity to him of being heard, must satisfy the court about the gravity of the situation and court has to consider briefly these factors in the exparte order. We are quite conscious of the fact that there are other statutes which contain similar provisions requiring the court or the authorities concerned to record reasons before exercising power vested in them. In respect of some of such non-compliance therewith will not vitiate the order so passed. But same cannot be said in respect of the proviso to Rule 3 of Order 39. The Parliament has prescribed a particular procedure for passing of an order of injunction without notice to the other side under exceptional circumstances. Such ex-parte orders have far-reaching effect, as such a condition has been imposed that court must record reasons before passing such order. If it is held that the compliance with the proviso aforesaid is optional and not obligatory, then the proviso by the Parliament shall be a futile exercise and that part of Rule 3 will be a surplusage for all practical purposes. Proviso to Rule 3 of Order 39 of the Code, attracts the principle that if a statute requires a thing to be done in a particular manner it should be done in that manner or not at all. (Emphasis supplied).

7.The Hon'ble Supreme Court in the case of ***Maria Margadia Sequeria Fernandes & Ors Vs. Erasmo Jack De Sequeria (D) Tr.Lrs & Ors*** reported in ***2012 (5) SCC 370***, has observed the following:-



WEB COPY



O.A.Nos.847, 848 & 849 of 2025

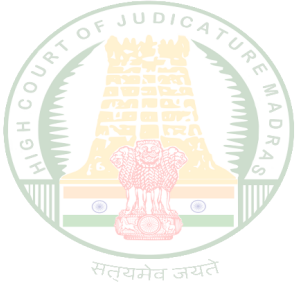
“86. Grant or refusal of an injunction in a civil suit is the most important stage in the civil trial. Due care, caution, diligence and attention must be bestowed by the judicial officers and judges while granting or refusing injunction. In most cases, the fate of the case is decided by grant or refusal of an injunction. Experience has shown that once an injunction is granted, getting it vacated would become a nightmare for the defendant. In order to grant or refuse injunction, the judicial officer or the judge must carefully examine the entire pleadings and documents with utmost care and seriousness.

87. The safe and better course is to give short notice on injunction application and pass an appropriate order after hearing both the sides. In case of grave urgency, if it becomes imperative to grant an ex-parte ad interim injunction, it should be granted for a specific period, such as, for two weeks. In those cases, the plaintiff will have no inherent interest in delaying disposal of injunction application after obtaining an ex-parte ad interim injunction. The Court, in order to avoid abuse of the process of law may also record in the injunction order that if the suit is eventually dismissed, the plaintiff undertakes to pay restitution, actual or realistic costs. While passing the order, the Court must take into consideration the pragmatic realities and pass proper order for mesne profits. The Court must make serious endeavour to ensure that even-handed justice is given to both the parties.

88. Ordinarily, three main principles govern the grant or refusal of injunction.

- a) prima facie case;*
- b) balance of convenience; and*
- c) irreparable injury, which guide the court in this regard.*

89. In the board category of prima facie case, it is imperative for the Court to carefully analyse the pleadings and the documents on record and only on that basis the Court must be governed by the prima facie case. In grant



WEB COPY



O.A.Nos.847, 848 & 849 of 2025

and refusal of injunction, pleadings and documents play vital role.”

8.In view of the above categorical findings given by the Hon'ble Supreme Court, I am of the considered view that the applicants have made out a *prima facie* case for grant of an interim injunction until further orders. The applicant shall comply with Order XXXIX Rule 3 CPC.

9.Issue notice to the respondent returnable by 17.10.2025. Private notice is also permitted. Post the matter on 17.10.2025.

17.09.2025

sai



WEB COPY



O.A.Nos.847, 848 & 849 of 2025

N.SENTHILKUMAR, J.

sai

O.A.Nos.847, 848 & 849 of 2025
and A.Nos.4239, 4240 & 4241 of 2025
in C.S.(Comm.Div.) No.215 of 2025

17.09.2025