

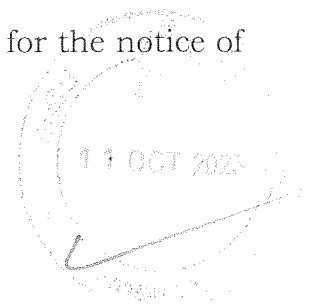
**IN THE COMMERCIAL HIGH COURT OF THE WESTERN PROVINCE**  
**(EXERCISING CIVIL JURISDICTION) HOLDEN IN COLOMBO**

Before : Hon. T. G. S. A. Perera, H.C.J  
Case No : CHC. 39/2023/IP  
Date : 06.10.2023  
Recorded By : Udeshika

Dr. Romesh De Silva P.C., with Mr. Wasantha  
Kumar Niles instructed by Mr. Sanath  
Wijewardhana for the Plaintiff.

**Counsel for the Plaintiff submits as follows;**

I state with respect that the Plaintiff is a registered owner of the trade name/mark Khomba. The Plaintiff has filed several documents established in the fact that in various forms the Plaintiff is the owner of the trademark Khomba. The Plaintiff states that the tree the mark was a tree is known as Kohomba and the Plaintiff pleads that no other company as ever used the term Khomba. The Plaintiff states that Khomba is a name owned by the Plaintiff and is not the tree which is Khomba. So, the Plaintiff states that the Plaintiff has the full intellectual property rights in Khomba and has been using such. The Plaintiff states that nobody else in the market uses the terms Khomba. The Plaintiff pleads that the Defendant in the box of soap marked as P14 is using the identical term Khomba. Plaintiff states that that is the violation of the Plaintiff's trademark and on that basis, Plaintiff is asking for the notice of



the interim injunction and the enjoining order, Sir, as prayed for in prayer (h) and (j) of the prayer to the Plaintiff. I am asking for summons notice of the interim injunctions and the enjoining orders prayed for in (h), (i) and (j) of the prayer to the Plaintiff.

**Order**

Heard the learned President's Counsel in support of this application. I have perused the Plaintiff and the attached documents marked P1-P15(b). Further, the Court has heard the submissions made by the learned President's Counsel.

Having satisfied with the application, enjoining orders in terms of paragraphs (h), (i), (j) of the Plaintiff is issued against the Defendant. Further, the notice of interim injunction in terms of paragraphs (e), (f) and (g) are also issued against the Defendant together with the summons.

The Plaintiff is required to deposit of Rs. 200,000/- in cash as a security.

**Counsel for the Plaintiff submits as follows;**

I respectfully move that Your Honour will be pleased in the circumstances of this case and the urgency to direct that the summons, notice of interim injunction and the enjoining orders be served by a special process server of this Court.

**Order**

Having considered the application and circumstances in urgency, the Registrar is directed to issue the summons and the notices of interim injunction through a special processor in this Court.

Notice returnable on 19.10.2023.

[SGD/-]T. G. S. A. Perera  
Judge of the Commercial High Court  
Colombo 12.

I do hereby certify that the foregoing is a true copy of the order dated 06.10.2023 filed of record in case No. CHC. No. 39/2023/IP. (1 – 3 Pages)

Prepared by: sh-shi (Wideshika)

Comp with: sh-shi (Wideshika)

Receipt No. U/25 750329

Date: 11.10.2023

Registrar

11/10/2023  
REGISTRAR  
COMMERCIAL HIGH COURT  
COLOMBO 12



