



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(ORDINARY ORIGINAL CIVIL JURISDICTION)

TUESDAY, THE 17TH DAY OF AUGUST 2021

THE HON'BLE MR. JUSTICE R.SUBRAMANIAN

C.S. No. 525 of 1999

Y.V. SESHACHALAM & CO.,
133, Audiappa Street,
Chennai 600 001 rep. by its
Partner Harikrishna

... PLAINTIFF

-Vs-

C M S SON
130-A, East Masi Street,
Madurai - 625 001

...DEFENDANT

Civil Suit praying that this Hon'ble Court be pleased to pass
Judgment and decree:

a) granting permanent injunction restraining the defendant by itself,
its servants or agents or anyone claiming through it from in any manner
infringing the plaintiff's well established trade mark GOPURAM with the
device of GOPURAM in a peculiar colour scheme and get up by using the
offending trade mark MAHA GOPURAM together with the device of
GOPURAM along with identical colour scheme and get up, or any other
mark or marks which are in any way deceptively similar to or a colourable
imitation of the plaintiff's well established trade mark GOPURAM together



with the device of GOPURAM in a peculiar colour scheme and get up, either by manufacturing, or selling or offering for sale or in any manner advertising the same;

b) granting permanent injunction restraining the defendant, its servants or agents or anyone claiming through it from in any manner infringing the plaintiff's copyright over the artistic work GOPURAM along with the device of GOPURAM in a peculiar colour scheme and get up by using the offending similar artistic work MAHA GOPURAM together with the device of GOPURAM along with identical colour scheme and get up, or any other artistic work or works which are similar to the plaintiff's copyright over the artistic work GOPURAM together with the device of GOPURAM;

c) granting permanent injunction restraining the defendant by itself, its servants or agents or anyone claiming through it from in any manner passing off of its “turmeric powder” bearing the offending trade mark and the artistic work MAHA GOPURAM together with the device of GOPURAM with an identical colour scheme and get up as and for the plaintiff's celebrated “turmeric powder” bearing the well established artistic work GOPURAM together with the device of GOPURAM in a peculiar colour scheme and get up, either by manufacturing, selling or offering for sale or in any manner advertising the same;

d) directing the defendant to surrender to the plaintiff the entire stock



of unused offending labels bearing the offending trade mark MAHA GOPURAM with the device of GOPURAM together with identical colour scheme and get up along with the blocks and dyes for destruction;

e) directing the defendants to render a true and faithful account of the profits earned by the defendant through the sale of the turmeric powder bearing the offending trade mark and the artistic work MAHA GOPURAM together with the device of GOPURAM and directing payment of such profits to the plaintiff for the passing off committed by the defendant;

f) directing the defendant to pay to the plaintiff the costs of the suit.

This Civil Suit coming on this day before this Court for hearing in the presence of Mr.Prasanna Venkat for M/s.APR Associates, Advocates for the plaintiff herein and upon reading the plaint filed herein and the learned Counsel appearing for the plaintiff seeks permission to withdraw the suit with liberty to sue, if there is a fresh cause of action and this Court doth recording the said statement and

it is ordered as follows:-

(i) That the suit in C.S. No.525 of 1999 be and is hereby dismissed as withdrawn.

(ii) That the plaintiff herein shall be at liberty to sue, if there is a fresh



cause of action.

WEB COPY (iii) That there shall be no costs in this suit.

WITNESS THE HON'BLE MR. JUSTICE SANJIB BANERJEE,
CHIEF JUSTICE, HIGH COURT AT MADRAS AFORESAID, THIS THE
17TH DAY OF AUGUST 2021.

Sd/-

ASSISTANT REGISTRAR(COMM.CASES)

//Certified to be true copy//

Dated at Madras this the day of 2022.

COURT OFFICER(O.S.)

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24.11.2021

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C.S. No.525 of 1999

ORDER

DATED : 17.08.2021

THE HON'BLE MR. JUSTICE
R.SUBRAMANIAN

FOR APPROVAL: 27.12.2021

APPROVED ON : 10.01.2022



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17.08.2021

CORAM:

THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN

C.S.No.525 of 1999

Y.V.Seshachalam & Co.,
133, Audiappa Street,
Chennai – 600 001 rep. By its
Partner, Harikrishna

...Plaintiff

Vs.

C M S Son,
130-A, East Masi Street,
Madurai – 625 001.

...Defendant

Prayer: Complaint filed under Order VII Rule 1 of C.P.C., and under Order IV Rule 1 of the Original Side rules and Sections 105 & 106 of the Trade and Merchandise Marks Act, 1958 and under Sections 55, 56, 60 & 62 of the Copyright Act, praying as follows:-

a) granting permanent injunction restraining the defendant by itself, its servants or agents or infringing the plaintiff's well established trade mark GOPURAM with the device of GOPURAM in a peculiar colour scheme and



the device of GOPURAM along with identical colour scheme and get up, or any other mark or marks which are in any way deceptively similar to or a colourable imitation of the plaintiff's well established trade mark GOPURAM together with the device of GOPURAM in a peculiar colour scheme and get up, either by manufacturing, or selling or offering for sale or in any manner advertising the same;

b) granting permanent injunction restraining the defendant, its servants or agents or anyone claiming through it from in any manner infringing the plaintiff's copyright over the artistic work GOPURAM along with the device of GOPURAM in a peculiar colour scheme and get up by using the offending similar artistic work MAHA GOPURAM together with the device of GOPURAM along with identical colour scheme and get up, or any other artistic work or works which are similar to the plaintiff's copyright over the artistic work GOPURAM together with the device of GOPURAM;

c) granting permanent injunction restraining the defendant by itself, its servants or agents or anyone claiming through it from in any manner passing off of its "turmeric powder" bearing the offending trade mark and the artistic work MAHA GOPURAM together with the device of GOPURAM with an identical colour scheme and get up as and for the plaintiff's celebrated "turmeric powder" bearing the well established

artistic work GOPURAM in a peculiar colour scheme and get up, either by



manufacturing, selling or offering for sale or in any manner advertising the same;

d) directing the defendant to surrender to the plaintiff the entire stock of unused offending labels bearing the offending trade mark MAHA GOPURAM with the device of GOPURAM together with identical colour scheme and get up along with the blocks and dyes for destruction;

e) directing the defendants to render a true and faithful account of the profits earned by the defendant through the sale of the turmeric powder bearing the offending trade mark and the artistic work MAHA GOPURAM together with the device of GOPURAM and directing payment of such profits to the plaintiff for the passing off committed by the defendant;

f) directing the defendant to pay to the plaintiff the costs of the suit.

For Plaintiff : Mr.Prasanna venkat for M/s.APR Associates

J U D G M E N T

Mr.Prasanna Venkat, learned counsel appearing for the plaintiff seeks permission to withdraw the suit with liberty to sue, if there is a fresh cause of action.



No costs. Liberty is reserved to the plaintiff to sue, if there is a fresh cause of action.

Sd/-R.S.M.J.
17.08.2021

List of witness and documents filed on the side of the plaintiff:

Nil

List of witness and documents filed on the side of the defendant:

Nil

Sd/-R.S.M.J.
17.08.2021

//Certified to be true copy//

Dated at Madras this the day of 2022.

COURT OFFICER(O.S.)

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