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C.S.No.302 of 2010

**IN THE HIGH COURT OF JUDICATURE AT MADRAS**

**DATED : 01.12.2021**

**CORAM**

**THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH**

**C.S.No.302 of 2010**

V.V.V & Sons Edible Oils Limited  
Represented by its Managing Director  
having office at Post Box No.19  
443, Bazaar, Virudhunagar – 626 001.  
Plaintiff

...

Vs.

M/s.Ramalingam Agro Tech  
No.271, 1<sup>st</sup> Main Road,  
Chamrajpet,  
Bangalore – 18.

... Defendant

(Plaintiff amended as per order dated 21.06.2017 in A.No.800/2017 and time extended as per order dated 07/09/2021 in C.S.No.302 of 2010)

**PRAYER:** Complaint filed under Order IV Rule 1 of O.S. Rules and Order VII Rule 1 of CPC read with Sections 27, 29, 134 & 135 of the Trade Marks Act, 1999 and under Section 62 of the Copyright Act, 1957 praying for:

(a) granting a permanent injunction restraining the Defendant, its partners/directors, distributors, stockiest, servants, agents retailers, representatives or any other person claiming



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under/through them from in any manner infringing the plaintiffs packaging, get up and trade dress in the plaintiff registered composite trademark bearing registration number 746974 under class 29 from manufacturing, selling, offering for sale, stocking, advertising, either directly and/or indirectly any goods and in particular any Edible Gingelly oil and /or allied products under an identical or deceptively similar packaging, get up and trade dress or in any other manner identical with and/or which is in any way infringing the Plaintiff's registered composite trademark or in any other manner whatsoever.

b) Granting a permanent injunction restraining the Defendant, its partners/directors, distributors, stockiest, servants, agents retailers, representatives or any other person claiming under/through them from in any manner infringing the copyright of the plaintiffs in their artistic work that are in anyway visually, phonetically or deceptively similar in nature as shown in Document No.1 or in any manner whatsoever.

c) Granting a permanent injunction restraining the Defendant, its partners/directors, distributors, stockiest, servants, agents retailers, representatives or any other person claiming under/through them from in any manner passing off their any goods and in particular any Edible Gingelly oil and/or allied products goods as that of the plaintiffs packaging, get up and trade dress in the plaintiff registered composite trademark or by using any other mark which is identical with or deceptively similar to the plaintiff's said



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trade mark or in any other manner whatsoever connected with the plaintiffs.

d) Directing the defendant to surrender to the plaintiffs the entire stock of goods and all types of goods, materials containing/bearing the trademark "AMURTHAM" which is in any way visually, phonetically or deceptively similar to plaintiff's registered Composite trademark for destruction.

e) To render a true and faithful account of sale and profits earned by the Defendant through the business by the use of the trade mark "AMURTHAM" on the goods referred that are visually, phonetically or deceptively similar to the plaintiff's registered trademark IDHAYAM Gingelly oil and to pay the profits earned by the Defendant in this behalf.

f) Directing the defendant to pay to the plaintiff the costs of the suit

For Plaintiff : Mr.P.J.Rishikesh

For Defendant : Mr.Rajesh Ramanathan

### **ORDER**

The learned counsel appearing on behalf of the plaintiff submitted that he has instructions to withdraw this suit with liberty



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to file a fresh suit if in case any cause of action arises in future.

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**N. ANAND VENKATESH, J.**  
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2.The suit is dismissed as withdrawn in terms of the endorsement made by the learned counsel for the plaintiff. No order as to costs.

**01.12.2021**

Speaking / Non-speaking Order  
Index : Yes/No  
ssr

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