



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(ORDINARY ORIGINAL CIVIL JURISDICTION)

MONDAY, THE 04TH DAY OF OCTOBER 2021

THE HON'BLE MR. JUSTICE R. SUBRAMANIAN

C.S.No. 19 of 2003

S.V.S. Oil Mills,
Rep.by its Partner,
S.V. Chandrapandian,
No.11. T.H. Road,
Chennai – 600 019.

... Plaintiff

-Vs-

1. M/s. S.V.N. Agro-Refineries,
No.1/66, Vengaivasal Main Road,
Vengaivasal Village,
Selaiyur (P.O).,
Chennai – 600 073.

2. S.V. Natesan,
No.2, West Mada Church Road,
Royapuram,
Chennai – 600 013.

... Defendants

Civil suit praying that this Hon'ble Court be pleased to pass a
Judgement and decree against the Defendants.

a) granting a permanent injunction restraining the Defendants by
themselves, their agents or servants or anyone claiming through or under
them in the course of manufacturing and marketing, selling or advertising
from using the trademark as shown in the labels / pouches in its colour



Sunflower oil, Vanaspathi and Palmolein as shown in Document Nos.15, 16, 17 and 18 and in M.Os.Nos.1 to 4 and in the calendar document No.50 and other trade literature in relation to the sale of edible oil or any other trademark in the said colour scheme and getup or any other colour scheme and get up which is in any manner deceptively or confusingly similar to the colour scheme and get up of the plaintiffs labels as shown in Document Nos.1 to 8 and M.O.Nos.5 to 7 and in the Calendar Document No.53 thus and passing off the defendants edible oil as or for the edible oil of the Plaintiffs.

b) directing the Defendants to render a true and faithful account of the profit earned by them through the use of the impugned trademark and directing such profit to be paid to the Plaintiff on account of passing off committed by the Defendants.

c) directing the Defendants to surrender to Plaintiffs all bags, pouches, containers, labels, packets or any other printed matter containing or consisting of the offending trademark in the impugned and get up colour scheme together with blocks used for the purpose of printing the same, for destruction.

d) directing the defendants to pay the costs of the suit to the plaintiffs.



WEB COPY

This Civil Suit coming on this day before this court for hearing in the presence of Mrs.Gladys Daniel, Advocate for the Plaintiff herein and Mr.N.R.Srinath, Advocate for the Defendants herein and upon reading the Plaint filed herein and affidavit filed by the 1st defendant and he has actually submitted to a decree for prayer 'A' alone and the learned counsel appearing for the plaintiff submitting that she is not pressing the other prayers namely, the prayer for accounting, mandatory injunction and costs, **it is ordered and decreed as follows:-**

That (1) M/s. S.V.N. Agro-Refineries, and (2) S.V.Natesan, the defendants herein, by themselves their agents or servants or anyone claiming through or under them in the course of manufacturing and marketing, selling or advertising be and are hereby restrained by an order of permanent injunction from using the trademark as shown in the labels / pouches in its colour scheme and get up in respect of edible oil, including Groundnut oil, Sunflower oil, Vanaspathi and Palmolein as shown in Document Nos.15, 16, 17 and 18 and in M.Os.Nos.1 to 4 and in the calendar document No.50 and other trade literature in relation to the sale of edible oil or any other trademark in the said colour scheme and getup or any other colour scheme and get up which is in any manner deceptively or confusingly similar to the colour scheme and get up of the plaintiffs labels



as shown in Document Nos.1 to 8 and M.O.Nos.5 to 7 and in the Calendar Document No.53 thus and passing off the defendants edible oil as or for the edible oil of the Plaintiffs.

2. That the suit in C.S.No. 19 of 2003 in respect of other prayer shall stand dismissed.

3. That the parties hereto, shall bear their own costs.

WITNESS THE HON'BLE MR. JUSTICE SANJIB BANERJEE,
CHIEF JUSTICE, HIGH COURT AT MADRAS AFORESAID, THIS THE
04TH DAY OF OCTOBER 2021.

Sd/-

ASSISTANT REGISTRAR (Comm.Cases)

//Certified to be true copy//

Dated at Madras this the day of 2022.

COURT OFFICER(O.S.)

From 25th Day of September 2008 the Registry is issuing certified copies of the Orders/Judgments/Decrees in this format.



WEB COPY

ED
04.01.2022

5

CS.No. 19 of 2003

DECREE :

DATED : 04/10/2021

THE HON'BLE MR. JUSTICE
R. SUBRAMANIAN

FOR APPROVAL: 06/01/2022

APPROVED ON : 11/01/2022



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.10.2021

CORAM:

THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN

C.S.No.19 of 2003

S.V.S.Oil Mills,
Rep. By its Partner,
S.V.Chandrapandian,
No.11, T.H.Road,
Chennai – 600 019.

...Plaintiff

Vs.

1.M/s.S.V.N.Agro-Refineries,
No.1/66, Vengaivasal Main Road,
Vengaivasal Village, Selaiyur (P.O.),
Chennai – 600 073.

2.S.V.Natesan,
No.2, West Mada Church Road,
Royapuram, Chennai – 600 013.

...Defendants

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

a) granting a permanent injunction restraining the Defendants by themselves, their agents or servants or anyone claiming through or under them in the course of manufacturing and marketing, selling or advertising from using the trademark as shown in the labels / pouches in its colour scheme and get up in respect of edible oil, including Groundnut oil, Sunflower oil, Vanaspathi and Palmolein as shown in Document Nos.15,



16, 17 and 18 and in M.Os.Nos.1 to 4 and in the calendar document No.50 and other trade literature in relation to the sale of edible oil or any other trademark in the said colour scheme and getup or any other colour scheme and get up which is in any manner deceptively or confusingly similar to the colour scheme and get up of the plaintiffs labels as shown in Document Nos.1 to 8 and M.O.Nos.5 to 7 and in the Calendar Document No.53 thus and passing off the defendants edible oil as or for the edible oil of the Plaintiffs.

b) directing the Defendants to render a true and faithful account of the profit earned by them through the use of the impugned trademark and directing such profit to be paid to the Plaintiff on account of passing off committed by the Defendants.

c) directing the Defendants to surrender to Plaintiffs all bags, pouches, containers, labels, packets or any other printed matter containing or consisting of the offending trademark in the impugned and get up colour scheme together with blocks used for the purpose of printing the same, for destruction.

d) directing the defendants to pay the costs of the suit to the plaintiffs.

For Plaintiff : Mrs.Gladys Daniel

For Defendants : Mr.N.R.Srinath



WEB COPY

JUDGMENT

The suit has been filed seeking the relief of permanent injunction restraining the defendants from using the trademark of the plaintiff or any other deceptively similar trademarks for Ground nut oil, Sunflower oil, Vanaspathi and Palmolein or any other related products. The prayer for accounting, surrender of bags, pouches, containers, packets, labels etc., and costs have also been sought for.

2. One Mr.V.N.Ravi Varma, a partner of the 1st defendant firm had filed an affidavit stating that upon an injunction having been granted restraining them from using the mark, they had stopped using the mark since 2003. The defendant has actually submitted to a decree for prayer 'A' alone.

3. Mrs.Gladys Daniel, learned counsel appearing for the plaintiff would submit that she is not pressing the other prayers namely, the prayer for accounting, mandatory injunction and costs.

4. Considering the above statement made by the learned counsel for the plaintiff and the affidavit filed by the defendant, the suit is decreed under Order 12 Rule 6 of C.P.C., only in respect of prayer 'A' and the suit in respect of other prayers will stand dismissed. Parties shall bear their own costs.



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

WEB COPY Nil

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

Nil

Sd./- R.S.M.J.
04.10.2021

//Certified to be true copy//

Dated at Madras this the day of 2022.

COURT OFFICER(O.S.)

From 25th Day of September 2008 the Registry is issuing certified copies of the Orders/Judgments/Decrees in this format.