



C.S.No.174 of 2020

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

DATED : 18.04.2023

**CORAM:**

**THE HONOURABLE Mr. JUSTICE S.SOUNTHAR**

**C.S.No.174 of 2020**  
**and**  
**O.A.Nos.280 to 282 of 2020**

M/s. Kaleesuwari Refinery Private Limited,  
Represented by its Manager (Legal),  
Mr.A.Saravanan (M-43 years),  
No.53, Rajasekaran Street,  
Opp: Kalyani Hospital,  
Dr. Radhakrishnan Salai,  
Mylapore, Chennai – 600 004.

...Plaintiff

Vs.

M/s. Sri Amman Agro Foods,  
No.79, Palanthadalam Village,  
Thirumudivakkam Main Road,  
Chennai – 600 044

... Defendant

**PRAYER:** This Civil Suit is filed under Order IV Rule 1 of O.S. Rules, 1956 read with Order VII Rule 1 of Civil Procedure Code, 1908 read with Sections 134 and 135 of the Trademarks Act, 1999 read with Sections 61 and 62 of the Copyright Act, 1957; praying to pass the judgment and decree:-



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i. For a permanent injunction to restrain the Defendant, their men, agents, associates and / or assignees or any person claiming rights from them from infringing the Plaintiff's registered Trade Mark "Gold Winner" by using the offending Trade Mark "GOLD LAND" or any mark or word deceptively similar to the aforesaid Trade Mark of the Plaintiff's for any edible oil marketed by the Defendant, their men, agents, associates and / or assignees or any person claiming rights from the Defendant;

ii. For a permanent injunction to restrain the Defendant, their men, agents, associates and / or assignees or any person claiming rights from them from passing-off their inferior product, as that of the Plaintiff's "Gold Winner" edible refined sunflower oil by using the offending words "GOLD LAND" or any other words or mark and offending packing Material and pouch deceptively similar to the plaintiff's trade mark "Gold Winner" and Trade dress for "Gold Winner";

iii. Permanent injunction restraining the Defendant from violating the plaintiff's Copyright in the artistic work used in the Plaintiff's packing material / pouches used for packing refined edible sunflower oil and bearing its reputed and well known registered Trademarks "Gold Winner" by substituting the Trademark "Gold Winner" with the offending words "GOLD LAND" bearing same trade dress, color scheme and get up deceptively



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similar to that of the plaintiff's colour scheme and trade dress in the packing material / pouch bearing trade mark “Gold Winner”;

iv. For preliminary decree directing the Defendant to render true account of profits made by the Defendant by using the aforesaid offending label of “GOLD LAND”;

v. Directing the Defendant, its men, agents, assignees, dealers and / or retailers, distributors, to surrender to the plaintiff all offending pouch / packing materials, label, advertising materials, hoarding, letter heads, office stationary and all other material containing / bearing offending mark / label “GOLD LAND” with distinct color scheme, get up or any other mark visually or phonetically similar to the Plaintiff's trademark “Gold Winner” label for destruction by an order of this Court;

vi. For erasure, removal or obliteration from all infringing goods, materials or articles in the possession or control of the Defendant with the offending mark / labels and pouches deceptively similar to the plaintiff's “Gold Winner” refined sunflower oil;

vii. To pay for the costs of the suit;

For Plaintiff : Mr.Vijayan Subramanian



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### **JUDGMENT**

The learned counsel for the plaintiff made an endorsement in the plaint, seeking leave of this Court to withdraw the suit. In view of the endorsement made by the learned counsel, leave is granted. The suit is dismissed as withdrawn. There shall be no order as to costs. Consequently, Original Application Nos.280 to 282 of 2020 are closed.

18.04.2023

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Index:Yes/No

Speaking Order: Yes/No



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**S.SOUNTHAR, J.**

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**and**  
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**18.04.2023**