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C.S.No.317 of 2020

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

**DATED :05.07.2024**

**CORAM**

**THE HON'BLE MR. JUSTICE P.VELMURUGAN**

**C.S.No.317 of 2020**

South India Krishna Oil and Fats pvt Limited,  
Unit No.101, 102 A, First Floor,  
RealtechCopia Corporate Suites,  
Plot No.9, Jasola District Centre,  
New Delhi – 110025.

Rep. by its Authorized Signatory  
Ramneesh Kumar Aggarwal

... Plaintiff

Vs.

Sovreign Agrotech Refinery Private Limited  
Old -3A, New No.8, Second Street,  
Srinivasa Nagar,  
Koyambedu,  
Chennai-600 107.

and also at  
New.No.6/1, Old.No.22/1,  
Balaji Avenue, 2nd Street,  
T.Nagar,  
Chennai-600 017.

... Defendant



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**PRAYER:**

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The Plaintiff filed under Order VII Rule 1 of C.P.C. Read with Order IV Rule 1 of Original Side Rules of this Court along with Sections 27, 28, 29, 134 & 135 of the Trademarks Act 1999 and Section 55 read with Section 62 of the Copyright Act, 1957, Section 7 of the Commercial Courts, Commercial Division and Commercial Appellate Division of High Courts Act, No.4 of 2016 and numbered as C.S.No.317 of 2020, praying for judgment and decree against the defendant, as follows:

(a) Granting a permanent injunction, restraining the defendant, by themselves, their servants, agents, distributors, or anyone claiming through them from reproducing by selling, advertising and or offering for sale both domestic and exports by using the impugned Trademark SURYA PLUS word and device as shown in Document No.14, upon the goods or in any media and use the same in invoices, letter heads and visiting cards or by using any other Trademark which is in any way substantially reproduce the Plaintiffs Trademark SURYA PLUS shown in Document No.13 or in any manner infringing the Plaintiffs Trademark under Application Nos.2430126 and 2276038 in class 29 with respect to edible oil.



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(b) Granting a permanent injunction, restraining the defendant, by themselves, their servants, agents, distributors, or anyone claiming through them from reproducing by selling, advertising and or offering for sale both domestic and exports by using the impugned Trademark SURYA PLUS and (pouch) as shown in Document No.14, upon the goods namely edible oil or in any media and use the same in invoices, letter heads and visiting cards or by using any other Trademark which is in any way substantially reproduce the Plaintiffs Trademark SURYA GOLD and (pouch) shown in Document No.13 or in any manner passing of the plaintiff's Trademark.

(c) Granting a permanent injunction, restraining the defendant, by themselves, their servants, agents, distributors, or anyone claiming through them from reproducing by selling, advertising and or offering for sale both domestic and exports by using the impugned Copyright SURYA PLUS (pouch) as shown in Document No.14, upon the goods namely edible oil or in any media and use the same in invoices, letter heads and visiting cards or by using any other Copyright which is in any way substantially reproduce the Plaintiff's copyright SURYA GOLD shown in Document No.1 or in any manner passing of the plaintiff's copyright.



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(d) directing the defendant to surrender to the plaintiff all the packing material, cartons, advertisement materials and hoardings, letter-heads, visiting cards, office stationery and all other materials containing/bearing the Color Scheme and Get up in the SURYA PLUS or other deceptively similar Trademark in respect of oil.

(e) for a preliminary decree in favour of the plaintiff, directing the defendant to render an account of profits made by them by the use of the Color Scheme and Get up in the SURYAPLUS on the goods referred and for a final decree in favour of the plaintiff for the amount of the profits found to have been made by the defendant, after the defendant has rendered accounts and

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

For Plaintiff : M/s.Balajanaki

For Defendant : Mr.D.Ferdinand  
for M/s.BFS Legal

\* \* \* \* \*

## **J U D G M E N T**



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The present suit is filed by the plaintiff for (a) granting a permanent injunction, restraining the defendant, by themselves, their servants, agents, distributors, or anyone claiming through them from reproducing by selling, advertising and or offering for sale both domestic and exports by using the impugned Trademark SURYA PLUS word and device as shown in Document No.14, upon the goods or in any media and use the same in invoices, letter heads and visiting cards or by using any other Trademark which is in any way substantially reproduce the Plaintiffs Trademark SURYA PLUS shown in Document No.13 or in any manner infringing the Plaintiffs Trademark under Application Nos.2430126 and 2276038 in class 29 with respect to edible oil. (b) granting a permanent injunction, restraining the defendant, by themselves, their servants, agents, distributors, or anyone claiming through them from reproducing by selling, advertising and or offering for sale both domestic and exports by using the impugned Trademark SURYA PLUS and (pouch) as shown in Document No.14, upon the goods namely edible oil or in any media and use the same in invoices, letter heads and visiting cards or by using any other Trademark which is



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in any way substantially reproduce the Plaintiffs Trademark SURYA GOLD and (pouch) shown in Document No.13 or in any manner passing of the plaintiff's Trademark. (c) Granting a permanent injunction, restraining the defendant, by themselves, their servants, agents, distributors, or anyone claiming through them from reproducing by selling, advertising and or offering for sale both domestic and exports by using the impugned Copyright SURYA PLUS (pouch) as shown in Document No.14, upon the goods namely edible oil or in any media and use the same in invoices, letter heads and visiting cards or by using any other Copyright which is in any way substantially reproduce the Plaintiff's copyright SURYA GOLD shown in Document No.1 or in any manner passing of the plaintiff's copyright. (d) directing the defendant to surrender to the plaintiff all the packing material, cartons, advertisement materials and hoardings, letter-heads, visiting cards, office stationery and all other materials containing/bearing the Color Scheme and Get up in the SURYA PLUS or other deceptively similar Trademark in respect of oil. (e) for a preliminary decree in favour of the plaintiff, directing the defendant to render an account of profits made by them by the use of the



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Color Scheme and Get up in the SURYAPLUS on the goods referred and for a final decree in favour of the plaintiff for the amount of the profits found to have been made by the defendant, after the defendant has rendered accounts.

2. Today (05.07.2024), when the matter is taken up for hearing, the authorized signatory of the plaintiff and the defendant appeared through Video Conferencing and they stated that they have settled the dispute between them and pending suit, they entered into compromise and the terms and conditions of the compromise have been reduced into writing in the memorandum of compromise dated 17.04.2024. Further, both the parties have stated that they understood the terms and conditions mentioned in the memorandum of compromise and also they accepted the terms and conditions mentioned therein. Both the parties and their respective counsel have signed in the terms of memorandum of compromise.

3. In view of the above, this suit is decreed in terms of



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memorandum of compromise dated 17.04.2024. The said memorandum of compromise shall form part and parcel of this decree.

**05.07.2024**

*mfa*

**P.VELMURUGAN, J.**



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*mfa*

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**05.07.2024**