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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02-11-2026

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THE HON'BLE MR.JUSTICE P.B. BALAJI

C.S.(Comm.Div)No.244 of 2026
and O.A.No. 857 of 2026 and
A.No.3608 of 2026

CNR:{HCMA011959272026} Case QR

M/s. Kaleesuwari Refinery Private Limited
Represented by its Authorised Signatory
Ms.S.D.Tripti (F-35 years) No. 53,
Rajasekaran street, Opp. To Kalyani Hospital,
Dr.Radhakrishnan Salai, Mylapore,
Chennai 600 004.

..Plaintiff

Vs

Dr. Arun Kalyanasundaram
Director of Promed Hospitals,
1/10A, East Coast Road, Kottivakkam,
Chennai 600 041.

..Defendant

Prayer : Plaint filed under Order IV Rule 1 of the High Court Original Side Rules Read With Order VII Rule 1 of the CPC under Sections 29(8)(c), 134 and 135 of the Trade Marks Act, 1999, prays for the Judgment and Decree against the defendant as follows:

a) Directing the Defendant to pay the sum of Rs.1,00,00,000/- (Rupees One Crore only) towards the damages and compensation to the plaintiffs;

b) a permanent injunction restraining the Defendant and their men and agents from in any manner making, uploading, writing, printing, publishing,

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broadcasting, distributing or disseminating in print media or electronic media or internet media or any form whatsoever any defamatory material statements, continuing in uploading , publishing, including the purported/video/audio any material or statement, relating to or arising from relatable to the plaintiff's brand GOLD WINNER which is effecting and damaging the goodwill and reputation of plaintiffs brand in any manner;

c) a mandatory injunction directing the defendant to remove/delete the false defamatory video/audio dated 30.07.2026 or any other material or statements aforesaid including displaying the brand name of the plaintiff namely GOLD WINNER in all online media including but not limited to X, Facebook, Instagram , YouTube and WhatsApp.

For Plaintiff: Mr. Vijayan Subramanian

For Defendant: Mr. R. Palaniandavar

JUDGMENT

Today, Mr. R. Palaniandavar, learned counsel appearing for the sole defendant, has filed a physical copy of an undertaking affidavit dated 31.10.2026 to the satisfaction of the plaintiff. The said undertaking affidavit, especially paragraph 4, is recorded. The undertaking affidavit dated 31.10.2026 is scanned and reproduced hereunder for ready reference:

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Ordinary Original Civil Jurisdiction)

C.S (Com.Div) No. 244 of 2026

M/s. Kaleesuwari Refinery Private Limited,
Represented by its Authorised Signatory,
Ms. S D Tripti (F - 35 Years),
No. 53, Rajasekaran Street,
Opp. to Kalyani Hospital,
Dr. Radhakrishnan Salai,
Mylapore, Chennai - 600 004

... Plaintiff

- VS -

Dr. Arun Kalyanasundaram,
Promed Hospitals,
1/10A, East Coast Road,
Kottivakkam,
Chennai - 600 041.

... Defendant

UNDERTAKING AFFIDAVIT FILED BY THE DEFENDANT

I, **Dr. Arun Kalyanasundaram**, Son of Mr. M. Kalyanasundaram, aged about 50 years, having office at No. 1/10A, East Coast Road, Kottivakkam, Chennai – 600 041, do hereby solemnly affirm and sincerely state as follows:

1. I submit that I am the Defendant in the above suit and am well acquainted with the facts and circumstances of the case. I am competent to swear to this affidavit.

2. I submit that I am a doctor by profession. I submit that I maintain social media accounts through which I publish awareness videos. In the course of publishing content concerning unsaturated fatty acids, I had displayed and referred to the

K. Arun

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Plaintiff's product bearing the registered trademark "GOLD WINNER" in a video dated 30.07.2026, which was uploaded on my social media platforms.

3. I submit that the present suit has been instituted by the Plaintiff seeking, inter alia, a direction to remove the aforesaid video and an permenant injunction restraining me from using the Plaintiff's trademark in my videos in the future, and other consequential reliefs.

4. I submit that upon receiving this Hon'ble Court's notice on 09.09.2026 I have removed the said video/reel on 31.10.2026 from my social media accounts and platforms under my control and shall take necessary steps to ensure that the said video is not republished or circulated by me through any such platform.I further undertake that I shall not publish, upload, circulate or disseminate the aforesaid video, or any substantially similar content concerning the Plaintiff's brand "GOLD WINNER" or any other mark of the Plaintiff.

5. I undertake to comply with the above undertakings in good faith and shall not undertake any act contrary to the undertakings furnished herein. I submit that this undertaking is being furnished voluntarily and in good faith, with the intention of complying with the undertakings stated herein and bringing the dispute to an amicable conclusion, subject to the orders of this Hon'ble Court.

In the light of the above, I humbly pray that this Hon'ble court may record my undertaking and take this affidavit on record and pass any further order/s as this Hon'ble court may deem it fit and proper and thus render justice.

K. Arun

Solemnly affirmed at Chennai]
on this the 31st day of October 2026]
signed his name in my presence]

BEFORE ME
R. Revathi Kumar
Regd No
No.11, Nehru St, Avadi, Ch-54
Ph-9092284799
ADVOCATE, CHENNAI

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2. In the light of the above, the suit is decreed in terms of the undertaking affidavit dated 31.10.2026 particularly paragraph 4 thereof. The undertaking affidavit dated 31.10.2026 shall form part and parcel of the decree. Consequently, connected applications stand closed. The Registry is directed to refund the court fee, as applicable. No costs.

02-11-2026

Index : Yes/No
Neutral Citation : Yes/No

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P.B.BALAJI J.

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