



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(ORDINARY ORIGINAL CIVIL JURISDICTION)

WEDNESDAY, THE 31ST DAY OF MARCH 2021

THE HON'BLE MR. JUSTICE C.V.KARTHIKEYAN

C.S. No.248 of 2020

and

O.A. Nos.455 and 456 of 2020

1. Mr.A.D.Padmasingh Isaac

Proprietor, Aachi Spices and Foods,
Old No.4, New No.181/1,
6th Avenue, Thangam Colony,
Anna Nagar, Chennai- 600 040

2. M/s.Aachi Masala Foods Private Limited

No.1926, 34th Street, I Block,
Ishwarya Colony, Anna Nagar West,
Chennai- 600 040

Represented by its Director,
Mr.Ashwin Pandian

... Plaintiffs/Applicants
(in both original applications)

-Versus-

K.R.Venkatesan,
Proprietor, Venkat Products,
13, Adhi Sankar Street,
Thirumoolar Colony,
Anna Nagar West,
Chennai- 600 040

...Defendant Respondent
(in both original applications)

C.S.No.248 of 2020

Civil Suit praying that this Hon'ble Court be pleased to pass a

judgment and decree for :-

<https://hcservices.ecourts.gov.in/hcservices/>

(a) granting a permanent injunction, restraining the Defendant, by



himself, his servants, agents, distributors, or anyone claiming through him from manufacturing, selling, advertising and offering for sale using the name ANNACHI or any other similar Trademark, name or similar sounding expression in any media and use the same in name board, invoices, letter heads and visiting cards or by using any other trademark / name which is in any way visually or deceptively or phonetically similar to the plaintiff's trademark / name AACHI / AACHI IDLY CHILLI POWDER and use the same in respect of idli chilli powder, masalas and spices pouches, or any other goods packets or use the mark in invoices, letters hears and visiting cards or any other trade literature or by using any other trademark which is in any way visually, or phonetically similar to the plaintiff's registered Trademarks under Nos. 838786, 1595537, 1731915, 1318493 & 3352405 or in any manner infringing the plaintiff's registered Trademarks referred herein.

(b) granting a permanent injunction, restraining the Defendant, by itself, its servants, agents, distributors, or anyone claiming through them from manufacturing, selling, advertising and offering for sale using same or similar device, get up, and colour scheme using the trademark ANNACHI by the Defendant or the pouch shown in Document No.2 or by using any other trademark which is in any way visually or deceptively similar to the plaintiff's Trademark "AACHI IDLY CHILLI POWDER" label as shown in



Document No.1 or AACHI in relation to any Idli Chilli powder masala items and use the same pouches, packets of masalas and spices or any other goods or use the mark in invoices, letters heads and visiting cards or any other trade literature or by using any other Trademark which is in any way visually and deceptively similar to the plaintiff's Trademarks "AACHI IDLY CHILLI POWDER" as shown in Document No.1 or AACHI in any manner pass off the plaintiffs goods.

(c) directing the Defendant to surrender to the Plaintiffs all the packing material, cartons, advertisement materials and hoardings, letter-heads, visiting cards, office stationery and all other materials containing / bearing the name and device "ANNACHI" and packets in the Color Scheme and Get up as shown in Document No.2 or other deceptively similar trademark used in the pouches and packets in respect of masalas.

(d) directing the Defendant to render an account of profits made by them by the use of the impugned Trademark and device of 'ANNACHI' and packets in the Color Scheme and get up as shown in Document No.2 on the goods referred and decree the suit for the profits found to have been made by the Defendant, after the Defendant has rendered accounts.

(e) directing the Defendant to pay to the Plaintiffs the costs to the suit.



O.A. No.455 of 2020:

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Original Application praying that this Hon'ble Court be pleased to grant an ad-interim injunction, restraining the Respondent/Defendant, by himself, his servants, agents, distributors, or anyone claiming through him from manufacturing, selling, advertising and offering for sale using the name **ANNACHI** or any other similar Trademark, name or similar sounding expression in any media and use the same in name board, invoices, letter heads and visiting cards or by using any other trade mark/name which is in any way visually or deceptively or phonetically similar to the Applicants'/Plaintiffs' trade mark/name **AACHI/AACHI IDLY CHILLI POWDER** and use the same in respect of idli chilli powder masalas and spices pouches, or any other goods packets or use the mark in invoices, letters heads and visiting cards or any other trade literature or by using any other trade mark which is in any way visually, or phonetically similar to the Applicants'/Plaintiffs' registered Trade Marks under Nos.838786, 1595537, 1731915, 1318493 & 3352405 or in any manner infringing the Applicant's/Plaintiff's registered Trade Marks referred herein pending disposal of the above suit.

O.A. No.456 of 2020:

Original Application praying that this Hon'ble Court be pleased to

grant an ad-interim injunction restraining the Respondent/Defendant, by



itself, its servants, agents, distributors, or anyone claiming through them from manufacturing, selling, advertising and offering for sale using same or similar device, get up, and colour scheme using the trademark **ANNACHI** by the Respondent/Defendant or the pouch shown in **Document No.2** or by using any other trade mark which is in any way visually or deceptively similar to the Applicants'/Plaintiffs' Trademark "**AACHI IDLY CHILLI POWDER**" label as shown in **Document No.1** or AACHI in relation to any Idli Chilli powder masala items and use the same pouches, packets of masalas and spices or any other goods or use the mark in invoices, letter heads and visiting cards or any other trade literature or by using any other Trademark which is in any way visually and deceptively similar to the Applicants'/Plaintiffs' Trademarks "**AACHI IDLY CHILLI POWDER**" as shown in **Document No.1** or AACHI in any manner pass off the Applicants/Plaintiffs goods pending disposal of the above suit.

This suit along with these original applications coming on this day before this court for hearing in the presence of Ms.Gladys Daniel, Advocate for the plaintiffs in C.S.No.248 of 2020 and for the Applicants in both original applications and Mr.S.Ananda Kumar, Advocate for the defendant in C.S.No.248 of 2020 and for the respondent in both original applications and upon reading the order herein dated 18.03.2021, **it is ordered as**



That K.R.Venkatesan, the defendant herein, by himself, his servants, agents, distributors, or anyone claiming through him, be and is hereby restrained by an order of permanent injunction from (a) manufacturing, selling, advertising and offering for sale using the name ANNACHI or any other similar Trademark, name or similar sounding expression in any media and use the same in name board, invoices, letter heads and visiting cards or by using any other trademark / name which is in any way visually or deceptively or phonetically similar to the plaintiff's trademark / name AACHI / AACHI IDLY CHILLI POWDER and use the same in respect of idli chilli powder, masalas and spices pouches, or any other goods packets or use the mark in invoices, letters hears and visiting cards or any other trade literature or by using any other trademark which is in any way visually, or phonetically similar to the plaintiff's registered Trademarks under Nos. 838786, 1595537, 1731915, 1318493 & 3352405 or in any manner infringing the plaintiff's registered Trademarks referred herein and (b) manufacturing, selling, advertising and offering for sale using same or similar device, get up, and colour scheme using the trademark ANNACHI by the Defendant or the pouch shown in Document No.2 or by using any other trademark which is in any way visually or deceptively similar to the plaintiff's Trademark "AACHI IDLY CHILLI POWDER" label as shown in



items and use the same pouches, packets of masalas and spices or any other goods or use the mark in invoices, letters heads and visiting cards or any other trade literature or by using any other Trademark which is in any way visually and deceptively similar to the plaintiff's Trademarks "AACHI IDLY CHILLI POWDER" as shown in Document No.1 or AACHI in any manner pass off the plaintiff's goods.

2. That the plaintiff herein, have absolutely no objection for the Defendant and their men and agents to use only the carton/label/packets as shown in ANNEXURE-A.

3. That the Defendant herein, shall not to oppose the Trademark Applications filed by the Plaintiffs for registration of the Trademark AACHI.

4. That the Defendant herein, shall withdraw any Application for Registration of the Trade Mark AACHI and Aachi Formative marks.

5. That the Defendant herein, shall not use the Trademark AACHI (Word) & (Device) or any of the label marks marks belonging to the Plaintiffs.

6. That the Defendant herein, shall not adopt any of the word or visual features of the Plaintiffs' Trademark AACHI in future.

7. That the reliefs 33 (c), (d), (e) and (f) in the suit prayer portion, be and are hereby dismissed.



8. That these O.A.No.455 and 456 of 2020 do stand closed.

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9. That there shall be no order as to costs of this suit.

SCHEDULE- MEMO OF COMPROMISE WITH ANNEXURE



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9

19.04.2021

C.S. No.248 of 2020
and
O.A. Nos.455 and 456 of 2020

DECREE

DATED : 31.03.2021

THE HON'BLE MR.JUSTICE
C.V.KARTHIKEYAN

FOR APPROVAL: 17/08/2021

APPROVED ON: 18/08/2021



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10

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 31.03.2021

CORAM:

THE HON'BLE MR.JUSTICE C.V.KARTHIKEYAN

C.S.No.248 of 2020
and O.A.Nos.455, 456 of 2020

1.Mr.A.D.Padmasingh Isaac
Proprietor, Aachi Spices and Foods
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2.M/s.Aachi Masala Foods Private Limited
No.1926, 34th Street, I Block,
Ishwarya Colony, Anna Nagar West,
Chennai 600 040
Represented by its Director
Mr.Ashwin Pandian

... Plaintiffs

..Vs..

K.R.Venkatesan
Proprietor, Venkat Products,
13, Adhi Sankar Street, Thiumoolar Colony,
Anna Nagar West, Chennai 600 040.

... Defendant

PRAYER : Complaint filed under Order IV Rule 1 of the Original Side Rules
and Order VII Rule 1 of the CPC read with Sections 27(2), 29, 134 and 135
of the Trademarks Act, 1999, prayed for a Judgment and Decree:-



(a) granting a permanent injunction, restraining the Defendant, by himself, his servants, agents, distributors, or anyone claiming through him from manufacturing, selling, advertising and offering for sale using the name ANNACHI or any other similar Trademark, name or similar sounding expression in any media and use the same in name board, invoices, letter heads and visiting cards or by using any other trademark / name which is in any way visually or deceptively or phonetically similar to the plaintiff's trademark / name AACHI / AACHI IDLY CHILLI POWDER and use the same in respect of idli chilli powder, masalas and spices pouches, or any other goods packets or use the mark in invoices, letters hears and visiting cards or any other trade literature or by using any other trademark which is in any way visually, or phonetically similar to the plaintiff's registered Trademarks under Nos. 838786, 1595537, 1731915, 1318493 & 3352405 or in any manner infringing the plaintiff's registered Trademarks referred herein.

(b) granting a permanent injunction, restraining the Defendant, by itself, its servants, agents, distributors, or anyone claiming through him from manufacturing, selling, advertising and offering for sale using same or similar device, get up, and colour scheme using the trademark ANNACHI by the Defendant or the pouch shown in Document No.2 or by using any



other trademark which is in any way visually or deceptively similar to the plaintiff's Trademark "AACHI IDLY CHILLI POWDER" label as shown in Document No.1 or AACHI in relation to any Idli Chilli powder masala items and use the same pouches, packets of masalas and spices or any other goods or use the mark in invoices, letters heads and visiting cards or any other trade literature or by using any other Trademark which is in any way visually and deceptively similar to the plaintiff's Trademarks "AACHI IDLY CHILLI POWDER" as shown in Document No.1 or AACHI in any manner pass off the plaintiffs goods.

(c) directing the Defendant to surrender to the Plaintiffs all the packing material, cartons, advertisement materials and hoardings, letter-heads, visiting cards, office stationery and all other materials containing / bearing the name and device "ANNACHI" and packets in the Color Scheme and Get up as shown in Document No.2 or other deceptively similar trademark used in the pouches and packets in respect of masalas.

(d) directing the Defendant to render an account of profits made by them by the use of the impugned Trademark and device of 'ANNACHI' and packets in the Color Scheme and get up as shown in Document No.2 on the goods referred and decree the suit for the profits found to have been made



WEB COPY (e) For costs of this suit.

For Plaintiffs : M/s.Gladys Daniel

For Defendant : M/s.S.Ananda Kumar

J U D G M E N T

The plaintiffs and the defendant have entered into a Memo of Compromise on 24.03.2021 and a recording of the same had been presented in Court on 29.03.2021. It has been signed by the Proprietor of the first plaintiff and by the Director of the second plaintiff and also by the Proprietor of the defendant. It has also been signed by the learned counsel for the plaintiffs and by the learned counsel for the defendant.

2. Along with the Memo of Compromise there is an Annexure termed as Annexure A and the plaintiffs have stated that they have no objection for the defendant marketing their products in accordance with the pictorial representation given in Annexure A. The defendant have also stated that they would withdraw any application for registration of the Trademark AACHI and AACHI formative marks.



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3. The suit is partly decreed in terms of the Memo of Compromise with respect to the reliefs (a) and (b) and dismissed with respect to reliefs (c), (d), (e) and (f). The Memo of Compromise dated 24.03.2021 and Annexure A shall form part of the Decree. No order as to costs. Connected Applications are closed.

Sd/-C.V.K.J.

31.03.2021

// Certified to be true copy//

Dated at Madras this day of 2021.

Court Officer(O.S.)

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