



**Serial No. 21**  
**Regular List**

**HIGH COURT OF MEGHALAYA**  
**AT SHILLONG**

MAF No. 1 of 2024

Date of Decision: 11.06.2025

Megha Cashew Pvt. Ltd., EPIP Rajabagan,  
Byrnihat, Ri-Bhoi District, Meghalaya  
represented by its Managing Director  
Shri Asgar Ali

... Appellant(s)

**Versus**

M/s B.R. Industries,  
Shyamding Phulbari,  
West Garo Hills District, Meghalaya

... Respondent(s)

**Coram:**

**Hon'ble Mr. Justice H. S. Thangkhiew, Judge**

**Appearance:**

For the Appellant(s) : Dr. N. Mozika, DSGI with  
Ms. M. Myrchiang, Adv.

For the Respondent(s) : Mr. B.D. Konwar, Sr. Adv. with  
Mr. J. Singh, Adv.

i) Whether approved for reporting in Law journals etc: Yes/No

ii) Whether approved for publication in press: Yes/No



### **JUDGMENT AND ORDER (ORAL)**

1. The instant appeal has been preferred against order dated 22.05.2024, passed by the learned District Judge, Ri-Bhoi District, Nongpoh in Misc. Case No. 1 of 2020 arising out of T.S No. 1 of 2018, whereby the learned Court below had imposed a fine of Rs. 5,00,000/- (Rupees Five Lakhs) only as penalty for breach of an injunction order dated 08.03.2019.

2. The brief facts are that the respondent had instituted a T.S No. 1 of 2018 alongwith Misc. No. 1 of 2018, praying for a permanent injunction restraining the appellant from infringing the Trademark of the respondent, or from selling or offer for sale products of any description in packing that contained absolute, or confusingly similar Labels to the respondent's registered Trademark. The learned Court below then vide order dated 08.03.2019, granted an injunction restraining the appellant from selling products in pouch packets/labels similar to the respondent's registered Trademark 'MEGHA' in any packing. The respondent thereafter, on an alleged breach of the



injunction order dated 08.03.2019, filed an application under Order 39 Rule 2A and the said application was then disposed of by the impugned order dated 24.05.2024, whereby the learned District Judge imposed a fine of Rs. 5,00,000/- (Rupees Five Lakhs) only as penalty for breach of injunction.

3. Dr. N. Mozika, learned Senior counsel assisted by Ms. M. Myrchiang, learned counsel for the appellant has submitted that in spite of a finding that the breach of injunction could not be established, the learned Court below, had imposed a staggering fine of Rs. 5,00,000/- (Rupees Five Lakhs), which he submits is unwarranted and unfounded. He submits that the learned Court below failed to appreciate the true meaning of statements made in the show cause, inasmuch as, there is no clear admission by the appellant but only that infraction, if any, may be due to the bona fide mistake on the part of the Manager. He further submits that an apology tendered in a Court of law in an injunction violation application, cannot be treated as an admission, and the Court cannot penalize a person only on this basis and that to, to the tune of Rs. 5,00,000/- (Rupees Five Lakhs) only which is unreasonable and disproportionately high.



4. Mr. B.D. Konwar, learned Senior counsel assisted by Mr. J. Singh, learned counsel for the respondent submits that there was willful disobedience of the injunction order and that the admission of the appellant as well as the findings of the Court below clearly demonstrate this fact. He further submits that in the hearing before the Lower Court, the respondent had displayed conclusive materials that established that the products were sold or marketed after the injunction order dated 08.03.2019 had been passed. He therefore submits that no interference is called for and the fine as imposed of Rs. 5,00,000/- (Rupees Five Lakhs) only is commensurate with the violation.

5. Having heard the learned counsel for the parties and perused the impugned order, the first fact that emerges is that the use of Trademark 'MEGHA CASHEW' was not disputed by the appellant on the ground that the same was pending registration before the Trademark office at Kolkata. The only point for consideration before the Lower Court, was whether the products were still being packed and sold by the appellant in June, 2019, in spite of the order of injunction dated 08.03.2019. On this allegation, the learned Lower Court had come to a finding that there was nothing to indicate, or prove that the said products



were manufactured in the month of June, 2019 by the appellant and that the burden of proof, rested with the respondent. However, on the appellant tendering apology that the same had occurred due to a bona fide mistake, and had not been sold directly by the company but through some agents prior to the injunction order, the Lower Court had imposed the fine.

6. This Court therefore in consideration of the matter that though there are no clear findings arrived at by the Lower Court as to the willful disobedience of the injunction order, the imposition of a fine on the admission of the appellant, however is deemed justified, inasmuch as, it is the duty of the appellant to ensure that the injunction orders are faithfully complied with either by itself or its agents. The amount of fine of Rs. 5,00,000/- (Rupees Five Lakhs) only however seems to be disproportionate to the alleged violation, which was not established beyond doubt but based only on the apology.

7. Accordingly, though the impugned order calls for no interference, the quantum of fine shall stand reduced to the amount deposited by the appellant before this Court in terms of order dated 01.07.2024, which had directed for the deposit of Rs. 1.5 Lakhs at the



admission of this appeal. The respondent is allowed to receive/collect the amount which is lying in the custody of the Registrar General, High Court of Meghalaya, along with interest if any.

8. As ordered above, the instant appeal stand closed and disposed of.

**JUDGE**

Meghalaya  
11.06.2025  
"V. Lyndem-PS"