



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(ORDINARY ORIGINAL CIVIL JURISDICTION)

WEDNESDAY, THE 17th DAY OF NOVEMBER 2021

THE HON'BLE MR. JUSTICE N.ANAND VENKATESH

O.A. Nos. 386 & 387 of 2019

and

A.No.4114 of 2019

in

C.S.No. 259 of 2019

(Comm. Suits)

Hatsun Agro Product Ltd.,
Having registered office at
No.1/20-A, Rajiv Gandhi Salai (OMR)
Karapakkam, Chennai 600 097.
And also carrying on its business at
Old No.AD-83/New No.AD13,
Anna Nagar, Opp.:IOB Towers Branch,
Chennai 600 040.

Rep.by its Authorised Signatory

..Applicant/Plaintiff
(in both original applications)

Vs.

1. British Life Sciences Private Limited
No.410/1 Puttenahally Main Road (Behind Inchara Hotel)
6th Phase J P Nagar,
Bangalore 560078.

2. British Nutritions Private Limited
No.30, 10th Main, Ashoka Pillar Road
Jayanagar 2nd Block
Bangalore 560011.

: Respondents/Defendants
(in both original applications)

**O.A.No.386 of 2019:**

Original Application praying that this Hon'ble Court be pleased to grant an order of interim injunction restraining the defendant by itself, its agents, servants, distributors or any one claiming through it from using in any manner infringing the Plaintiff's Trade Marks "AROKYA" by using the trademark "AAROGYA" or any other mark or marks which are in any way identical or deceptively similar or colourable imitation of the plaintiff's registered trademark as described in the scheme to the plaint.

O.A.No.387 of 2019:

Original Application praying that this Hon'ble Court be pleased to grant an order of interim injunction, restraining the defendant by itself, its servants or agents or any one claiming through it from in any manner passing off its products as that of the plaintiff by using the offending trademark "AAROGYA" which are similar, deceptively similar and identical to the plaintiff's trademark "AROKYA" or by using any other trademark which is similar, deceptively similar or identical to that of the plaintiff's trademark "AROKYA" by manufacturing or selling or offering for sale or in any manner advertising the same.



WEB COPY

A.No.4114 of 2019:-

1. British Life Sciences Private Limited
No.410/1 Puttenahally Main Road (Behind Inchara Hotel)
6th Phase, J P Nagar,
Bangalore 560078.

2. British Nutritions Private Limited
No.30, 10th Main, Ashoka Pillar Road
Jayanagar 2nd Block
Bangalore 560011.

: Applicants /Defendants

Vs.

Hatsun Agro Product Ltd.,
Having registered office at
No.1/20-A, Rajiv Gandhi Salai (OMR)
Karapakkam, Chennai 600 097.
And also carrying on its business at
Old No.AD-83/New No.AD13,
Anna Nagar, Opp.:IOB Towers Branch,
Chennai 600 040.

Rep.by its Authorised Signatory

:Respondent/Plaintiff

Application praying that this Hon'ble Court be pleased to vacate the interim injunction granted by this Hon'ble Court vide order date 10/04/2019 in O.A.Nos.386 and 387 of 2019 in C.S. (Commercial) No.259 of 2019 on the file of this Hon'ble Court.

These Applications coming on this day before this court for hearing,

the Court made the following order:



The injunction has been granted in favour of the plaintiff, who is admittedly having a registered mark. The defendants are questioning the validity of the mark that has been assigned in favour of the plaintiff. This challenge is taken up as the issue in the main suit itself and this Court proposes to go ahead with the suit. Therefore, no useful purpose will be served in keeping this application pending. In view of the same, the interim injunction granted in favour of the applicant/plaintiff is extended until further orders and all these applications are accordingly, closed.

Sd./-N.A.V.J
17.11.2021

//Certified to be true copy//

Dated at Madras this the 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.

jj 23/11.2021