



C.M.A.No.1283 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED : 18.08.2025

CORAM

THE HONOURABLE MR. JUSTICE M.SUNDAR
and
THE HONOURABLE MR. JUSTICE HEMANT CHANDANGOUDAR

C.M.A.No.1283 of 2024

&

C.M.P.No.11452 of 2024

M.Mohan
S/o.Mariappan
Secretary and Authorized Signatory of
M/s.Gyanodhayam Educational Trust
A Public Charitable Trust having Office
at No.6, Sekar Avenue
Kumutham Nagar Main Road
Mugalivakkam
Chennai – 600 125

... Appellant

vs.

M/s.Navayugam Trust
Represented by its Chairperson
Ms.Gopika Varma
W/o.Late Mr.Jayakichenen
A1-FFB, Sunnyside Apartment
Ramalakshman Nagar
Sowripalayam
Peelamedu
Coimbatore – 641 028
and with Registered Office at

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No.97/4, Indira Nagar
Muthaliyar Thottam
Karur Bey Pass Road
Erode – 638 002

..., Respondent

Civil Miscellaneous Appeal filed under Order XLIII Rule 1 (r) of the Code of Civil Procedure, 1908 to set aside the fair and decretal order of Commercial Court (District Judge Cadre), Coimbatore made in I.A.No.2 of 2024 in C.O.S.No.26 of 2024 dated 26.04.2024 dismissing the injunction application filed by the petitioner/appellant herein.

For Appellant : Ms.C.S.Vedavalli

For Respondent : Ms.Tanushree Arvind

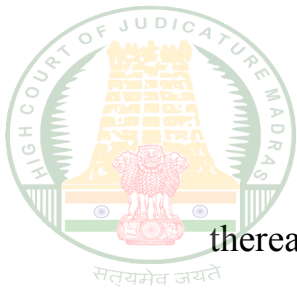
ORDER

[Order of the Court was made by M.SUNDAR, J.]

Owing to there being no representation on 14.08.2025, captioned matter is listed under the cause list caption 'FOR DISMISSAL' today. Ms.C.S.Vedavalli, learned counsel on record for appellant expresses regret for missing the matter on 14.08.2025 and tenders an apology. We accept the apology. Cause list caption 'FOR DISMISSAL' is deleted and the captioned matter is taken up for hearing.

2. This common consent order will now dispose of the captioned 'Civil Miscellaneous Appeal' ['CMA' for the sake of brevity] and the captioned 'Civil Miscellaneous Petition' ['CMP' for the sake of brevity]

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thereat.

WEB COPY 3. When the captioned matter was listed on 24.06.2024 before 'Commercial Appellate Division' ['CAD'] {to which one of us was a party (M.SUNDAR.J.,)}, the following proceedings were made:



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**C.M.A. No.1283 of 2024
and
C.M.P. No.11561 of 2024 in C.M.A. No.1283 of 2024**

**M.SUNDAR,J.,
and
K.GOVINDARAJAN THILAKAVADI, J.,**

(Order of the Court was made by M.SUNDAR, J.)

Captioned 'Civil Miscellaneous Appeal' (hereinafter 'CMA' for the sake of brevity) is directed against a common order dated 26.04.2024 made in I.A.Nos.2 and 3 of 2024 in C.O.S. No.26 of 2024 (CNR No.TNCB22-000191-2024) on the file of Commercial Court (District Judge Cadre), Coimbatore. This '26.04.2024 order' shall be referred to as 'impugned order' and 'Commercial Court (District Judge Cadre), Coimbatore' shall be referred to as 'said Commercial Court', both for the sake of convenience and clarity.

2. The 'sole appellant' before us will be referred to as 'Gyanodhayam' denoting Gyanodhayam Educational Trust and the 'lone respondent' before us will be referred to as 'Navayugam' denoting Navayugam Trust.

3. Ms.C.S.Vedavalli, learned counsel for appellant Gyanodhayam and Ms.Tanushree Arvind, learned counsel on caveat



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qua sole respondent (Navayugam which has lodged caveat) are before us.

4. Short facts as can be culled out from the case file and the submissions made in the Admission Board are that Navayugam filed a trade mark infringement/passing off suit vide a plaint dated 30.03.2024 in said Commercial Court; that the nucleus of the suit is a device mark Gyanodhayam, a scanned reproduction of which is as below:



that along with plaint, Navayugam took out two interlocutory applications qua infringement and passing off; that both these 'applications' (hereinafter 'petitions' as per nomenclature qua said Commercial Court) were allowed after full contest in and by impugned order; that assailing the impugned order, respondent/defendant before said Commercial Court, Gyanodhayam is on appeal.



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5. Ms.C.S.Vedavalli, learned counsel for appellant Gyanodhayam submitted as follows:

5.1 A prior suit as regards the same mark has been filed by Gyanodhayam in the Commercial Division of this Court on 08.03.2024 vide CNR No.TNCB22-000191-2024 along with leave to sue (LTS) application being A.No.2539 of 2024, notice was ordered in LTS application returnable by 21.06.2024, Navayugam is D7/R7 and Navayugam has entered appearance through the same counsel i.e., Ms.Tanushree Arvind and her co-counsel in the LTS application. As Gyanodhayam suit is a prior suit, injunctions vide impugned common order ought not to have been granted;

5.2 In the counter affidavit before said Commercial Court more particularly paragraph 5 thereat, there is a clear mention about an application for rectification under Section 124 of 'The Trade Marks Act, 1999' (hereinafter 'TM Act' for the sake of convenience and clarity) and an application for stay of suit but that has not been considered;

5.3 Triple test (which is the grundnorm in trade mark and



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passing off cases) i.e., classical trinity test (similarity of marks, similarity of goods and services and nature of consumers/trade chemicals) has not been applied as regards grant of injunctions vide impugned order.

6. In the light of narrative thus far, prima facie case for admission made out.

7. Admit, issue notice.

8. Ms.Tanushree Arvind on caveat accepts notice for the sole respondent. Learned counsel submitted that the prior suit referred to by learned counsel for Gyanodhayam is completely on a different issue and does not impact the case before the said Commercial Court. Learned counsel also pointed out that the stay plea vide section 124 of TM Act is I.A.No.5 of 2024 and the same is listed tomorrow (25.06.2024) before the said Commercial Court. It was also submitted that another application for contempt being I.A.No.4 of 2024 has been taken out and the same is also listed before the said Commercial Court tomorrow (25.06.2024).

9. Learned counsel for caveator adverting to sub-section (5)



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of Section 124 of TM Act submitted that even if stay prayer vide I.A.No.5 of 2024 is acceded to that would not preclude interim injunctions or denude the powers of the said Commercial Court qua granting injunctions as has been done vide impugned order.

10. In the Admission Board we are of the prima facie view (subject to further arguments) that it may be necessary to have the suits and the rectification application tagged together and heard out by one Court preferably the Commercial Division or the IP Division of this Court.

11. In the interregnum, if contempt is precipitated there is a possibility of a irreversible situation and therefore we grant a limited interim order staying all further proceedings in C.O.S. No.26 of 2024 and all pending interlocutory applications thereat in said Commercial Court and for the sake of specificity, we make it clear that the impugned order i.e., impugned injunctions dated 26.04.2024 are not suspended, the same will operate for the present but suspension of same will be considered as the matter progresses.

12. We find that plaint in the earlier suit, LTS application, Section 124 application before the Trade Mark Registry (to name a



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few) which are of relevance are not before this Court. Learned counsel for appellant will do well to bring it on Board and it is open to the counsel for respondent also to place it before us by way of a typed set of papers.

13. List on 02.07.2024.

(M.S.J.) (K.G.T.J.)
24.06.2024

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4. The above proceedings shall now be read as an integral part and parcel of this order.

5. In the light of consensus that has been arrived at between the parties, the following consent order is made:

i) As regards Leave to Sue application being A.No.2539 of 2024, the same is not subjected to contest and leave is granted. Registry to proceed with assigning a number to the suit, if it is otherwise in order;

ii) C.O.S No.26 of 2024 (CNR No.TNCB22-000191-2024) now on the file of Commercial Court (District Judge Cadre) Coimbatore, will now stand transferred to the



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Commercial Division of this Court for being tried jointly with the suit filed in the Commercial Division of this Court [C.S (Comm.Div.) (D) No.57751 of 2024] in which leave has been granted by the instant order.

iii) All pending applications in both the suits shall be heard out by Hon'ble Commercial Division.

iv) Though obvious, we make it clear that all further applications will also be heard out by the Hon'ble Commercial Division.

v) The limited interim order granted vide paragraph 11 of 24.06.2024 proceedings will continue to operate for a period of eight weeks from today i.e., upto 13.10.2025.

vi) In the *interregnum*, Hon'ble Commercial Division is requested to take a call and make orders on the interim prayers untrammelled by / without being impacted by the limited interim order granted by this CAD.

vii) To be noted, the limited interim order is continued for eight weeks to enable procedural formalities to be completed



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and to enable Commercial Division to take up the suits and applications thereat;

viii) Though obvious we make it clear that we are not expressing any view or opinion one way or the other on the merits of the matter and all views expressed in our 22.06.2024 order are *prima facie* views and will now not impact further proceedings before Commercial Division;

ix) Any rectification application pending before any Fora will also stand transferred for being heard along with the suits.

Captioned CMA disposed of in the aforesaid manner. Captioned CMP is also disposed of in the aforesaid manner i.e., interim order operating for eight weeks subject to Commercial Division taking a call. There shall be no order as to costs.

(M.S., J.) (H.C., J.)
18.08.2025

Index: Yes/No
N.C. : Yes/No
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M.SUNDAR, J.
and
HEMANT CHANDANGOUDAR, J.

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To

The Commercial Court (District Judge Cadre)
Coimbatore

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