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OA Nos. 556 to 558 of 2



<i>RESERVED ON</i>	22.09.2025
<i>PRONOUNCED ON</i>	19.12.2025

CORAM

THE HONOURABLE MR.JUSTICE N.SENTHILKUMAR

OA No. 556 of 2025

AND

C.S(COMM DIV) NO. 140 OF 2025,OA NO. 557 OF 2025,OA NO. 558 OF 2025,A NO. 2513 OF 2025

1. Ms Origin Nutrition Private Limited
Represented by its Director Mr Chirag
Gupta SP 7A Industrial Estate Guindy
Chennai Tamil Nadu 600 032

Applicant(s)

Vs

1. Ms Tech7 Phyll Private Limited and
another
Rep.By its Director Mr.Radhakrishnan
Vikraman, 143/1-A, 10th Cross Road,
Binnamangala, 1st Sthage, Indira
Nagar, Bangalore, Karnataka,
India-560038. Also at 2nd Floor, 838,
7th Main Road, 2nd Stage, Indiranagar,
Bengaluru, Bengaluru Urban,
Karntaka-5600038

2.M s Shri Annamalai Agro Products
Private Limited
Represented By Its Director Mr
Radhakrishnan Vikraman 64 Tiger
Varadachari Road Kalakshetra Colony
Besant Nagar Chennai Tamil Nadu
India 600090 Also At No 14 Reddy
Street Neerkundram Chennai Tamil



Nadu India 600107

Respondent(s)

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C.S(COMM DIV) No. 140 of 2025

1. Ms Origin Nutrition Private Limited

Applicant(s)

Vs

1. Ms Tech7 Phyll Private Limited and another

Rep.By its Director Mr.Radhakrishnan Vikraman, 143/1-A, 10th Cross Road, Binnamangala, 1st Sthage, Indira Nagar, Bangalore, Karnataka, India-560038. Also at 2nd Floor, 838, 7th Main Road, 2nd Stage, Indiranagar, Bengaluru, Bengaluru Urban, Karntaka-5600038

2.M s Shri Annamalai Agro Products Private Limited

Represented by its Director Mr Radhakrishnan Vikraman 64 Tiger Varadachari Road Kalakshetra Colony Besant Nagar Chennai Tamil Nadu India 600090 Also at No 14 Reddy Street Neerkundram Chennai Tamil Nadu India 600107

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OA No. 557 of 2025

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Respondent(s)

OA No. 556 of 2025

WEB PRAYER

To grant an ad interim injunction restraining the Respondents/Defendants, their partners, their employees, officers, servants, agents and all others acting for and on their behalf from manufacturing, selling, distributing, exporting, advertising, offering for sale, any products, websites, domain names, social media platforms, email address, mobile applications trade/corporate name and in any other manner, directly or indirectly, online or offline, dealing with any goods or services in the name of trademark ORIGIN/ORIGIN Fresh or any other mark which is identical similar to the Applicant/Plaintiff's trademarks ORIGIN/ORIGIN NUTRITION and such other marks and **passing off** the goods/services of the Respondents/ Defendants as and for those of the Applicant/Plaintiff in any manner whatsoever pending disposal of the suit.

C.S(COMM DIV) No. 140 of 2025

PRAYER

a) A permanent injunction restraining the Defendants their men, agents and all others acting for and on their behalf from manufacturing, selling, distributing, exporting, advertising offering for sale, any products, maintain and /or operate websites, domain names social media platforms email address mobile applications, trade/corporate name and in any manner directly or indirectly online or offline dealing with any goods or services in the name of the trade marks ORIGIN /ORIGIN fresh which is identical to the plaintiff's registered Trade Mark ORIGIN NUTRITION **amounting to an infringement** of the Plaintiff's registered trademark ORIGIN NUTRITION bearing application no.6296788 in class 05 in any manner whatsoever

OA No. 557 of 2025

PRAYER

To grant an ad interim injunction restraining the Respondents/ Defendants, their partners, their employees, officers, servants, agents and all others acting for and on their behalf from manufacturing, selling, distributing, exporting, advertising, offering for sale, any products, maintain and/or operate websites, domain names, social media platforms, email address, mobile applications trade/ corporate name and in any other manner, directly or indirectly online or offline dealing with any goods or services in the name of trademarks ORIGIN/ORIGIN Fresh which is identical to the Applicants/Plaintiff's registered trademark ORIGIN NUTRITION **amounting to an infringement** of the Applicant/Plaintiff's



registered trademark ORIGIN NUTRITION bearing application No.6296788 in Class 05 in any manner whatsoever, pending disposal of the suit.

OA No. 558 of 2025

PRAYER

To grant an ad interim injunction restraining the Respondents/ Defendants, their partners, directors, proprietors, subsidiaries, affiliates, franchisees, officers, servants, agents, distributors, stockists, representatives, licensees, and anyone acting for or on their behalf directly or indirectly as the case may be from performing any actions, especially using the trademark trademarks ORIGIN/ORIGIN Fresh or any mark which is deceptively similar and or identical to the Applicant/Plaintiff's trademark ORIGIN/ORIGIN NUTRITION **amounting to unfair competition, dilution of the goodwill and reputation** of the applicant/plaintiff's trademark or doing any other thing which will lead to dilution of Applicant/Plaintiff's Intellectual Properties, pending disposal of the suit.

A No. 2513 of 2025

PRAYER

To grant leave to combine the causes of action in respect of the following
a.Infringement of Applicants/Plaintiffs registered trademark b.Passing off the Applicants/Plaintiffs trademark.

For Applicant(s): M/S.MS Bharath
For Respondent(s): Mr.P.V.Balasubramanian,
Senior Counsel
for Mr.Abilash.V

COMMON ORDER

The present applications have been filed by the applicant/plaintiff for an ad-interim injunction restraining the Respondents/Defendants, their partners, their employees, officers, servants, agents and all others acting for and on their behalf from manufacturing, selling, distributing, exporting, advertising, offering for sale, any products, websites, domain names, social media platforms, email



address, mobile applications trade/corporate name and in any other manner, directly or indirectly, online or offline, dealing with any goods or services in the name of trademark ORIGIN/ORIGIN FRESH or any other mark which is identical, similar to the Applicant/Plaintiffs trademarks ORIGIN/ORIGIN NUTRITION and such other marks and passing off the goods/services of the Respondents/ Defendants as those of the Applicant/Plaintiff in any manner whatsoever pending disposal of the suit.

2. The applicant claims that the company has been incorporated in the year 2022 and is engaged in the business of manufacturing and marketing plant-based, vegan protein products. The brand ORIGIN/ORIGIN NUTRITION under the partnership firm M/s.Instar Foods is a plant-based protein product with preservatives. The said trademark has been duly registered and therefore, the applicant/plaintiff claimed the word 'ORIGIN' as part of the brand. Their products branded as 'ORIGIN', is commercially sold and marketed in India ever since the year 2020.

3. It is their further claim that the products ORIGIN/ORIGIN NUTRITION protein is 100% clean including the range of flavours offered by the applicant/plaintiff and no additives or toxins or Genetically Modified Organisms (GMO) are used. The applicant/plaintiff is having a website



<https://originnutrition.in/> where anybody can purchase the same on various e-commerce platforms such as Amazon, Flipkart, Apollo Pharmacy, Big Basket, 1 Mg, Myntra, Nykaa, JioMart, HealthXP etc. It is their further case that the unique and distinctive label ORIGIN associated with the applicant/plaintiff are as follows:

<i>Sl. No.</i>	<i>Applicant/Plaintiff's Products</i>
1	ORIGIN NUTRITION - Daily Plant Protein - Unflavoured
2	ORIGIN NUTRITION - Daily Plant Protein - Chocolate
3	ORIGIN NUTRITION - Daily Plant Protein - Vanilla
4	ORIGIN NUTRITION - Daily Plant Protein - Strawberry
5	ORIGIN NUTRITION - Daily Plant Protein - Filter Coffee
6	ORIGIN NUTRITION - Daily Plant Protein - Mango
7	ORIGIN NUTRITION - Go-Go Fuel for Kids
8	ORIGIN NUTRITION - Vegan Protein for Senior Care
9	ORIGIN NUTRITION - Plant Based Biotin
10	ORIGIN NUTRITION - Supergreens
11	ORIGIN NUTRITION - Mojo Pops Protein Chips

4. The applicant/plaintiff contends that there are other trademarks registered in the name of the applicant/plaintiff which are extracted below:



Sl. No.	Trademark	Application No.	Class	Application Date	Status	User Detail
1		4781924	05	15.12.2020	Registered upto 15.12.2030	22.05.2020
2	ORIGIN NUTRITION	6296788	05	10.02.2024	Registered up to 10.02.2034	22.05.2020
3		6296789	05	10.02.2024	Pending	22.05.2020
4	ORIGIN	6696481	05	05.11.2024	Pending	22.05.2020

5. The applicant has registered the name ORIGIN as their trademark and claimed that the trademark ORIGIN is now their exclusive registered trademark and any unauthorised use by any person will amount to infringement of their trademark ORIGIN. The applicant/plaintiff contends that around December, 2024, the applicant had come across an on-line news article on Business Standard in the link https://www.business-standard.com/companies/startups/origin-india-starts-bengaluru-operations-plans-10-million-funding-124091001048_1.html dated 10.09.2024 quoting one Mr.Prashanth Vasan as director of respondent/defendant No.1, for the Bangalore-based fresh-tech start-up called 'ORIGIN' - which is identical to the applicant/plaintiff's trademark ORIGIN. The said information was officially launched an on-line platform with



plans to raise 10 Million US Dollars in funding within the next three months.

The said article has been extracted in paragraph 18 of the affidavit which is extracted hereunder:



6. According to the applicant/plaintiff, the first respondent/first defendant is also having a website www.originfresh.in which has been recently registered on 19.02.2024. Having come to know about the infringement committed by the first respondent herein, the applicant/plaintiff has issued a cease-and-desist notice dated 05.12.2024. The said notice was returned with an endorsement on 13.12.2024 that no such person exists at this address at 2nd Floor, 838, 7th Main Road, 2nd Stage, Indiranagar, Bengaluru, Bengaluru Urban, Karnataka - 560 038 and thereafter, a second cease-and-desist notice dated 13.12.2024 was issued to the registered e-mail address of the first respondent/first defendant in



ceo@madrasmandi.in and to the official Registrar of Companies. Thereafter, the third cease-and-desist notice was issued on 16.01.2025. Apart from these

cease-and-desist notices, an investigation was done as against the respondent/first defendant and a report has been filed by the investigator stating that the registered office of the respondent/first defendant No.1 is at 143/1-A, 10th Cross Road, Binnamangala, 1st Stage, Indira Nagar, Bangalore, Karnataka, India - 560 038. The applicant/plaintiff contends that the respondent/first defendant is infringing the registered trademark of the applicant/plaintiff

ORIGIN/ /ORIGIN Fresh and carrying on their business in the name of MADRAS MANDI and the MADRAS MANDI is having a website <https://madrasmandi.in/>. The respondents are carrying on the business of delivering fresh fruits and vegetables through physical outlet and an on-line platform in respect of the same as that of the services rendered by the

origin applicant/plaintiff. The applicant/plaintiff contended that it is an infringement committed by the respondents/defendants, which affects the exclusive statutory right in favour of the applicant/plaintiff under Sections 28(1), 29(1), 29(2) and 29(3) of the Trademarks Act, 1999.

7. The applicant/plaintiff claimed that because of usage of word 'ORIGIN/ORIGIN FRESH' by the respondents/defendants, irreparable injury



has been caused to the applicant/plaintiff and they have been in trade for several years, more specifically from 2020 and in view of the same, the balance of convenience stands in their favour. The applicant/plaintiff claims that a *prima facie* case has been made out and therefore, they pleaded for the interim relief as against the first respondent.

8. The learned counsel appearing for the applicant/plaintiff filed an additional typed set on 22.09.2025, shows the products that have been sold by the defendants from page Nos.1 to 16, which are fruits and vegetables.

9. Per contra, Mr.P.V.Balasubramanian, learned senior counsel for the respondents/defendants contended that the dictionary meaning of the word 'ORIGIN' is *"the point at which something begins or rises or from which it derives"* and he referred to Rule 20 of the Trademarks Rules, which is extracted hereunder:

20. *Classification of goods and service - (1)*
Classification of goods and service for the purpose of registration of trade mark, the goods and services shall be classified as per current edition of "the International Classification of goods and services (NICE classification)" published by the World Intellectual Property Organisation (WIPO).



(2) The Registrar shall publish a class wise and an alphabetical index of such goods and services, including goods and services of Indian Origin.

10. As per Rule 20, International classification of goods and services (NICE Classification) has to be taken into consideration and sub clause (2) of the said Rule states that the Registrar shall publish a class wise and an alphabetical index of such goods and services, including goods and services of Indian origin. By referring to the above rule, the learned senior counsel claimed that as per the fourth schedule, the respondents fall under the category of Class 31 which deals with agricultural, horticultural and forestry products and grains which are not included in other classes; live animals; fresh fruits and vegetables; seeds, natural plants and flowers, foodstuffs for animals, malt. Whereas the plaintiff falls under the category of Class 5, which deals with pharmaceutical, veterinary and sanitary preparations; dietetic substances adapted for medical use, food for babies, plasters, materials for dressings, materials for stopping teeth, dental wax; disinfectants, preparation for destroying vermin; fungicides, herbicides.

11. By referring to the typed set of papers filed by the applicant/plaintiff, the learned senior counsel appearing for the respondents contended that at Page



No.54, the trademark of the respondents is registered as 'ORIGIN' and the category of mark is 'DEVICE' and the class of goods and service is noted as "Class: 31". He had submitted that the respondents procure fruits and vegetables from the harvest to sell the same within 12 to 18 hours and their device is a registered device mark. He further pointed out that the income tax paid by the applicant/plaintiff for the year 2022-2023 are enclosed at page No.112 of the typed set of papers and at page No.119, where their current year business loss was reflected as Rs.10,61,500/- and the income tax returns for the assessment year 2023-24 and the loss was also reflected as Rs.1,93,17,247/-.

12. He further contended that the plaint is silent with regard to the confusion in the mind of the public with regard to the registered trademark 'ORIGIN'. There is absolutely no confusion, loss, dilution of reputation of the plaintiff. In view of the continuous loss, which is reflected in the IT Returns of the applicant/plaintiff, it cannot be argued the goodwill of the plaintiff's mark is affected. He further asserted that the plaintiff has not established his goodwill and there are no documents to show that the applicant's trademark is a popular one.

13. He further pointed out that Classes 31 and 5 are different and distinct. Class 31 deals with fruits and vegetables, whereas Class 5 deals with nutritional



and dietary supplements. He further contended that the customer base is different, trading channel is different. The respondents are carrying on business in vegetables and fruits, whereas, the plaintiff is dealing with protein product, which is targeted for a particular class of people, which has been purchased by such section of people.

14. It will be appropriate to refer to the photographs annexed in the typed set of papers filed by the applicant/plaintiff from Page Nos.4 to 46, which make it clear that all the products of the applicant/plaintiff is a vegan protein product in a sealed sachets whereas the respondents/defendants are running their business in the name of **ORIGIN FRESH**, which is a grocery shop, which sells fruits and vegetables. He further contended that the name cannot be dissected and because of the said registered name, the reputation of the applicant/plaintiff is not at loss, which is reflected in the IT returns filed by the applicant/plaintiff.

15. He further contended that the suit was filed on 30.04.2025, whereas the written statement was filed with a considerable delay. He referred to the anti-dissection rule and Rule 17(1) of the Trademarks Rules. The learned senior counsel contended that the trademark should be taken as a whole. Rule 17(1) is extracted hereunder:

" (17) (1) When a trade mark consists of several matters, its



registration shall confer on the proprietor exclusive right to the use of the trade mark taken as a whole.

(2) Notwithstanding any thing contained in sub-section (1), when a trade mark

(a) contains any part-----

(i) which is not the subject of a separate application by the proprietor for registration as a trade mark: or

(ii) which is not separately registered by the proprietor as a trade mark : or

(b) Contain any matter which is common to the trade or is other wise of a non -distinctive character. the registration thereof shall not confer any exclusive right in the matter forming only a part of the whole of the trade mark so registered.

16. The learned senior counsel also referred to Section 29(4)(c) of the Trademarks Act, with regard to infringement of the registered trademark and contended that Section 29(4)(c) of the Act, cannot be invoked, as there are no reputation damage to the applicant. Section 29(4)(c) is extracted hereunder:

(c) the registered trade mark has a reputation in India and the use of the mark without due cause takes unfair advantage of or is detrimental to, the distinctive character or repute of the registered trade mark.

17. In support of his contention, the learned senior counsel relied on the following judgments:

(i) Vishnudas Trading as Vishnudas Kishendas v. Vazir



Sultan Tobacco Co. Ltd. reported in ***(1997) 4 SCC 201;***

(ii) Nandhini Deluxe v. Karnataka Cooperative Milk Producers Federation Limited reported in ***(2018) 9 SCC 183;***

(iii) Pernod Ricard India Private Limited and Another v. Karanveer Singh Chhabra reported in ***2025 SCC OnLine SC 1701; and***

(iv) Pankaj Plastic Industries Private Limited v. Anita Anu reported in ***2025 SCC OnLine Cal 4520.***

18. Heard both sides and perused the materials available on record in the form of typed set of papers.

19. On a careful reading of the arguments advanced on either side, the points that arise for consideration in these applications are as follows:

i) Whether the mark "ORIGIN" is to be enjoyed by the applicant/plaintiff exclusively in terms of their trademark registration?

ii) Whether the respondents are infringing the trade name of the applicant which is causing irreparable loss to the applicant?

20. It is to be noted that the dictionary meaning of the word 'ORIGIN' is generic in nature and nobody can claim an exclusive right over the word. It is also to be noted that the business of the applicant and the respondents are



different. The applicant/plaintiff is carrying on the business of selling protein products and proteins in sachets, whereas the respondents are carrying on business of selling fruits and vegetables. It is clear that as per Section 17(1) of the Act, the trade name has to be taken as a whole and not as a part.

21. A conjoint reading of Sections 17 and 29(4)(c), would clarify that the applicant has not made out a prima facie case and that the balance of convenience and the irreparable loss are not in favour of the applicant/plaintiff for grant of interim order. The suit has been filed on 30.04.2025, which is after six months from the date of issuing the cease-and-desist notice. In the absence of valid reasons for such a delay in initiating the suit after issuance of cease-and-desist notice, it is clear that there is no urgency which calls for granting of any interim order in favour of the applicant/plaintiff.

22. In ***Vishnudas Trading as Vishnudas Kishendas v. Vazir Sultan Tobacco Co. Ltd.*** reported in (1997) 4 SCC 201, the Hon'ble Supreme Court in paragraph 47, held as under:

47. The respondent Company got registration of its brand name "Charminar" under the broad classification "manufactured tobacco." So long such registration remains operative, the respondent Company is entitled to claim exclusive use of the said brand name in respect of articles made of tobacco coming under the said broad classification



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manufactured tobacco. Precisely for the said reason, when the appellant made application for registration of quiwam and zarda under the same brand name "Charminar", such prayer for registration was not allowed. The appellant, therefore, made application for rectification of the registration made in favour of the respondent Company so that the said registration is limited only in respect of the articles being manufactured and marketed by the respondent Company, namely, cigarettes. In our view, if a trader or manufacturer actually trades in or manufactures only one or some of the articles coming under a broad classification and such trader or manufacturer has no bonafide intention to trade in or manufacture other goods or articles which also fall under the said broad classification, such trader or manufacturer should not be permitted to enjoy monopoly in respect of all the articles which may come under such broad classification and by that process preclude the other traders or manufacturers to get registration of separate and distinct goods which may also be ground under the broad classification. If registration has been given generally in respect of all the articles coming under the broad classification and if it is established that the trader or manufacturer who get such registration had not intended to use any other article except the articles being used by such trader or manufacturer, the registration of such trader is liable to be rectified by limiting the ambit of registration and confining such registration to the specific article or articles which really concern the trader or manufacturer enjoying the registration made in his favour. In our view, if rectification in such circumstances is not allowed, the trader or manufacturer by virtue of earlier registration will be permitted to enjoy the mischief of trafficking in trade mark. Looking to the Scheme of the registration of trade mark as envisaged in the Trade Marks Act and the Rules framed there under, it appears to us that registration of a trade mark cannot be held to be absolute, perpetual



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and invariable under all circumstances. Section 12 of the Trade Marks Act prohibits registration of identical or deceptively similar trade marks in respect of goods and description of goods which is identical or deceptively similar to the trade mark already registered. For prohibiting registration u/s 12(1), goods in respect of which subsequent registration is sought for, must be (i) in respect of goods or description of goods being same or similar and covered by earlier registration and (ii) trade mark claimed for such goods must be same or deceptively claimed for such goods must be same or deceptively similar to the trade mark already registered. It may be noted here that under Sub-section (3) of Section 12 of Trade Marks Act, in an appropriate case of honest concurrent use and/or of other special circumstances, same and deceptively similar trade marks may be permitted to another by the Registrar, subject to such conditions as may deem just and proper to the Registrar. It is also to be noted that the expression "goods" and "description of the goods" appearing in Section 12(1) of Trade Marks Act indicate that registration may be made in respect of one or more goods or of all goods conforming a general description. The Trade Marks Act has noted distinction between description of goods forming a genus and separate and distinctly identifiable goods under the genus in various other Sections e.g. goods of same description in Section 46, Section 12 and 34 and class of goods in Section 18. Rules 12 and 26 read with 4th Schedule to the Rules framed under the Act.

As per the dictum laid down in the above case, a manufacturer must not be permitted to enjoy monopoly in respect of broad classification of goods for which a brand name is registered as it would preclude other traders. In the present case, the applicant having registered the trade name in respect of the



protein products, is seeking to curtail the business of the respondents who are selling fruits and vegetables and the same cannot be accepted.

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23. In ***Nandhini Deluxe v. Karnataka Cooperative Milk Producers Federation Limited*** reported in ***(2018) 9 SCC 183***, the Hon'ble Supreme Court in paragraph 33 held as under:

"33. We may mention that the aforesaid principle of law while interpreting the provisions of the Trade and Merchandise Marks Act, 1958 is equally applicable as it is unaffected by the Trade Marks Act, 1999 inasmuch as the main object underlying the said principle is that the proprietor of a trade mark cannot enjoy monopoly over the entire class of goods and, particularly, when he is not using the said trade mark in respect of certain goods falling under the same class. In this behalf, we may usefully refer to Section 11 of the Act which prohibits the registration of the mark in respect of the similar goods or different goods but the provisions of this section do not cover the same class of goods."

As per the observations in the above case, even for the goods falling under the same class, it was held that a proprietor of the trademark cannot enjoy monopoly over the entire class of goods. In the case on hand, the goods of the applicant and respondents falls under different categories. Therefore, there is no justification in the claim of the applicant, who is challenging the use of the trademark ORIGIN FRESH by the respondents.



24. In ***Pernod Ricard India Private Limited and Another v. Karanveer Singh Chhabra*** reported in ***2025 SCC OnLine SC 1701***, the Hon'ble Supreme Court has elaborately discussed about the similarity and distinctiveness - Name, colour scheme, and trade dress, anti-dissection rule, etc. and the legal principles governing grant of interim injunction.

25. In ***Pankaj Plastic Industries Private Limited v. Anita Anu*** reported in ***2025 SCC OnLine Cal 4520***, the Kolkata High Court held as under:

12. In the facts of this case, the plaintiff has admitted that they had knowledge of the impugned product since January 2024. Having admitted this factual position, it was incumbent on the plaintiff to provide grounds or justify as to why they had waited for nine months before instituting the suit and obtaining dispensation under Section 12A of the Act. The plaint is wholly silent on this aspect of the matter. The omnibus averment in the plaint is that being a suit pertaining to intellectual property rights, the cause of action is continuous and recurring and hence the need for urgent interim reliefs. There is no quarrel with the proposition that the cause of action in a suit for infringement and passing off is recurring in nature. Nevertheless, for the purposes of granting dispensation under section 12A of the Act, any examination can only be conducted on the touchstone of when the right to sue arose. Otherwise, no suit for infringement or passing off would ever require Pre-Institution Mediation or Settlement. The section cannot be interpreted in a manner to render the same meaningless or nugatory [Union of India vs Deoki Nandan Aggarwal



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1992 Supp (1) SCC 323].

13. In *Yamini Manohar (Supra)* the Supreme Court held that suits where the urgency was artificially created would not bypass the requirement under section 12A of the Act. Non-furnishing of an explanation or justification despite having knowledge of the alleged act of infringement or passing off in the facts of this case is a clear attempt to artificially create urgency. In the absence of any pleadings to justify the delay, there is no question of relying on any supporting evidence at all. Unfortunately, the plaint is merely a cut and paste job. The plaintiff has not even attempted to proffer any explanation as to what transpired from the date of knowledge i.e. January 2024 till the date of filing i.e. September 2024."

In the above judgment, it is clearly observed that artificially created urgency cannot be cited as a reason to bypass the requirement under Section 12A of the Act as held by the Hon'ble Supreme Court in the case of *Yamini Manohar*. Therefore, the applicant in the present case, having failed to explain the delay in instituting the suit, cannot seek interim reliefs.

26. The goods of the applicant and the respondents fall under different categories and even the customer base of the applicant and respondents are entirely different. The applicant has failed to *prima facie* make out a case as to how the sale of fruits and vegetables by the respondents under the mark 'ORIGIN FRESH' would affect the business of selling protein products by the applicants.



27. In view of the settled proposition, and in the facts and circumstances of the case, this court finds that the applicant has not made out a *prima facie* case and balance of convenience is in favour of the respondents/defendants. There is no merit in the injunction applications filed by the applicant and they are liable to be dismissed.

28. Accordingly, O.A. Nos.556 to 558 of 2025 are dismsised. No costs. Post A. No.2513 of 2025 and C.S.(Comm) No.140 of 2025 in the usual course.

19-12-2025

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Index: Yes/No
Speaking/Non-speaking order
Internet: Yes
Neutral Citation: Yes/No



To

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another
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