



Cont.P.No.601 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Orders Reserved on : 18 / 08 / 2025

Orders Pronounced on : 10 / 10 / 2025

Coram:

THE HONOURABLE MR.JUSTICE P.VELMURUGAN

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and

Sub Application Nos.287 to 290 of 2025 and 725 of 2025

Mr.Abhishek Jain,
Trading as A.K.Associates,
34/33, Strotten Muthiah Mudali Street,
2nd Floor, Sowcarpet,
Chennai-600 079.

Now at:
No.73-77, Choolai High Road,
Rainbow Trade Centre,
Shop No.16-2nd Floor,
Choolai, Chennai-600 112, Tamil Nadu.

.. Petitioner in
Contempt Petition &
Sub Applications

Vs.

1. Mr.Narasimha Rao,
Trading as Sri Vijayalakshmi Enterprises,
Autonagar Vijaywada, Phase-03, Plot No.06,
NTR Commissionerate, Andhra Pradesh.

2. Vanaja Modadugu,
Proprietor of Vijayalakshmi Enterprises,
Phase III, Plot No.6a, Kata Road,
Auto Nagar, Vijayawada, Krishna,
Andhra Pradesh-520 007.



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3. Modadugu Vanaja,
Plot No.26, 9th Avenue, 1st Floor,
Subba Rao Colony Main Road,
Bharathi Nagar,
Vijayawada (Urban),
PO: V J Polytechnic, N.T.R. Andhra Pradesh

4. Sri Vijay Agencies,
Ground Floor, Shop No-3, 1/1,
One Shop Portion, Reliance Reice Mill Street,
Kondithoppu, Sowcarpet,
Chennai, Tamil Nadu - 600 001.

.. Respondents in
Contempt Petition &
Sub Applications

Contempt Petition filed under Section 11 of the Contempt of Courts Act, to punish the respondents for contemptuous and wilful breach of the decree dated 28.06.2024 in C.S.(Comm.Div).No.51 of 2024 passed by this Court.

Sub Application (OS)No.287 of 2025 is filed to direct Mr.Narasimha Rao, the Proprietor of respondent No.1/defendant No.1 to be detained in Civil Prison for a period of six months of disobeying and violating the order/decreed passed by this Court dated 28.06.2024.

Sub Application (OS)No.288 of 2025 is filed to direct Vanaja Modadugu to be detained in Civil Prison for a period of six months for disobeying and violating the order/decreed passed by this Court dated 28.06.2024.



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Sub Application (OS)No.289 of 2025 is filed to direct Modadugu Vanaja to be detained in Civil Prison for a period of six months for disobeying and violating the order/decreed passed by this Court dated 28.06.2024.

Sub Application (OS)No.290 of 2025 is filed to pass appropriate orders against the respondent No.1/ defendant No.1 for disobedience of the decree in C.S.(Comm Div.)No.51 of 2024

Sub Application (OS)No.725 of 2025 is filed to pay all costs, damages, and sums awarded in the decree dated 28.06.2024 (cost sheet already filed plus damages), cost incurred in conducting the raids and issuing caution notices in 2022, 2024, and the cost incurred in present proceedings totalling upto INR 31,46,199 as detailed above in the present proceedings.

For petitioner : Mr.M.S.Bharath

For respondents: Mr.Sathish Kumar

ORDER

The petitioner has filed the present contempt petition seeking to punish Respondent No.1/Defendant No.1 for deliberate and willful disobedience of the decree passed by this Court on 28.06.2024 in C.S.(Comm.Div.)No.51 of 2024, along with Sub Applications (OS) Nos.287,288,289,290, and 725 of 2025, seeking detention of the concerned respondents for six months, enforcement of the decree, and recovery of costs, damages, and expenses totaling INR 31,46,199 respectively.

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2. The brief facts of the case are as follows.

2.1. The petitioner instituted the commercial suit C.S.(Comm. Div.)No.51 of 2024 seeking reliefs against the first respondent / first defendant for infringement of its registered trademark ASTEL STRONG, its trade dress, copyright, and passing off. The petitioner's trademark ASTEL STRONG is accompanied by distinctive packaging, logos, and artistic works. After hearing arguments on 26.06.2024 and final submissions on 28.06.2024, this Court passed a decree in favour of the petitioner. The decree restrained the respondents from manufacturing, selling, distributing, exporting, advertising, offering for sale, or otherwise dealing in any products bearing the mark ASTEL STRONG or any deceptively similar mark, logos, or packaging and directed delivery up of infringing materials. The decree further awarded the petitioner a sum of Rs.10,00,000/- as damages for trademark infringement, passing off, and copyright violation. During the pendency of the suit, the respondents failed to file their written statement within the prescribed time despite being duly served, and hence this set the respondents ex-parte vide order dated 06.06.2024.

2.2. Despite the decree, the petitioner came to know that a third party, Sri Vijay Agencies, commenced selling products under the mark EXTRA STRONG,

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which is deceptively similar to ASTEL STRONG, using identical trade dress, logos, and artistic works. Invoices dated 11.07.2024 confirm that these infringing products were being distributed throughout Chennai. Comparative analysis shows that the packaging of EXTRA STRONG mirrors the petitioner's packaging ASTEL STRONG in presentation, design elements, and trade dress. It is further submitted that Vanaja Modadugu has filed several trademark applications that are almost identical or deceptively similar to the petitioner's suit trademarks, in the name of her proprietary concern Vijaya Lakshmi Enterprises, even before the filing of the suit. The address of Respondent No.1/Defendant No.1 in C.S.(Comm.Div.) No.51 of 2024 is the same as the address mentioned in Trademark Application Nos.5638000 and 5638001 (Class 6). This clearly indicates that Respondent No.1/Defendant No.1 is connected to Vanaja Modadugu, who also filed Trademark Application No.6520421 (Class 6) on 10.07.2024, after the order dated 28.06.2024 was passed in the said suit. The acts of respondent No.1/defendant No.1 and its associates constitute continued and deliberate violation of the decree.

3. The learned counsel for the petitioner submitted that the respondent No.1/defendant No.1 has wilfully and contumaciously disobeyed the decree passed by this Court on 28.06.2024. The learned counsel drew attention to the

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fact that the petitioner discovered, through customers and independent inquiries, that products identical to those prohibited by the decree are being sold and distributed by Sri Vijay Agencies in Chennai. It was submitted that the respondent No.1/defendant No.1, despite being aware of the decree, deliberately filed a trademark application for the mark EXTRA STRONG CONCRETE NAILS with the intention to mislead and bypass the decree, thereby undermining the authority of this Court. Learned counsel emphasized that the packaging, logos, and artistic works used by the respondent No.1/defendant No.1 are substantially identical to the petitioner's ASTEL STRONG mark and trade dress, constituting a clear infringement, passing off, and violation of copyright. It was further submitted that these acts are not only contrary to the decree but also in breach of the authority of the Court, as respondent No.1/defendant No.1 has failed to comply with the order and has continued the infringing activities even after the decree. Therefore, the learned counsel prayed that the Court may treat the conduct of respondent No.1/defendant No.1 as an act of disobedience and pass appropriate orders to penalise them for such conduct.

4. The learned counsel appearing for the respondents submitted that the present Contempt Petition arises out of an ex-parte decree dated 28.06.2024 in C.S.(Comm.Div.)No.51 of 2024, passed in favour of the petitioner. It was



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submitted that the respondents had, immediately after the decree, preferred an application to set aside the said ex-parte decree and the same is pending consideration before this Court. Therefore, the alleged violation cannot be construed as wilful or deliberate, as the respondents have been acting in good faith and under a bonafide belief that their actions did not infringe the rights of the petitioner. He would further submit that the trademark in dispute in the original suit is ASTEL STRONG. The petitioner, in its contempt application, alleged that the respondents were using the mark EXTRA STRONG in a manner violating the decree. It was contended that the respondents have not used the mark ASTEL STRONG or any identical or deceptively similar mark in violation of the Court's order. The mark presently used by the respondents is "EXTRA STRONG" with a modified logo and packaging that is distinct from the petitioner's trademark and trade dress. The respondents undertake before this Court that they will continue to use only the mark and packaging as presently stated and will refrain from using any mark resembling ASTEL STRONG in any manner.

5. The learned counsel submitted that the respondents have discontinued any use of the logo or trademark that could even remotely be considered similar to the petitioner's registered trademark. The respondents had, even before the filing of the original suit, applied for registration of various trademarks. With



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respect to trademark application No.6520421, it was submitted that the application was made under the bona fide belief that the term "EXTRA STRONG" is different from "ASTEL STRONG," as no exclusive right can be claimed over the word "STRONG" alone. It was further submitted that, as regards the logo, the respondents stated that the petitioner cannot claim any exclusive right over the logo by virtue of their trademark registration unless there is a separate registration for the logo itself. The learned counsel further submitted that the respondents have not used the trademark that was specifically restrained by this Court and have instead been using the trademark "EXTRA STRONG," which is not similar to the petitioner's mark. The respondents have acted in utmost good faith, and there has been no wilful, wanton, or deliberate disobedience of this Court's order. The learned counsel also pointed out that the respondents have tendered an unconditional apology for any inadvertent error that may have occurred, and that there was never any intention to violate the decree. Hence, the learned counsel prayed that the contempt petition may be closed.

6. Heard the learned counsel on either side and perused the materials available on record.



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7. It is an admitted fact that the petitioner had instituted the suit in respect of the mark "ASTEL STRONG", and that the first defendant / first respondent had infringed the same by using the deceptively similar mark "ASTEI STRONG." It is also an admitted fact that a decree dated 28.06.2024 was passed in C.S. (Comm. Div.) No.51 of 2024 by this Court. The decree was passed ex parte, after the defendants, though duly served, failed to appear or file their written statement within the time permitted by law. By the said decree, the defendants were restrained from manufacturing, selling, distributing, exporting, advertising, or in any manner dealing with goods bearing the mark "ASTEL STRONG" or any other mark, logo, or packaging deceptively similar thereto.

8. The decree remains valid and effective and has not been stayed, modified, or set aside by any court. The defendants were, therefore, required to comply with it in full. Despite knowing about the decree, they did not file any appeal or petition to set it aside. Instead, they started new business activity under another name, clearly violating the injunction granted by this Court.

9. Records show that soon after the decree, a new business called "Vijaya Lakshmi Enterprises" was started by Vanaja Modadugu, who is closely connected



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with Respondent No.1/Defendant No.1. The address given in her trademark applications (Autonagar Vijayawada, Phase-03, Plot No.06, NTR Commissionerate, Andhra Pradesh) matches the address of Respondent No.1 in the suit, indicating that the new business is effectively a continuation or sister concern of the first respondent/first defendant. Furthermore, Trademark Application Nos.5638000 and 5638001 (Class 6) were filed earlier in her name, and Application No.6520421 dated 10.07.2024 was filed for the mark "EXTRA STRONG CONCRETE NAILS", just twelve days after the decree. This shows that the new business was started only to bypass the decree and continue the same trade under a different name.

10. The petitioner, on receiving reliable information that goods similar to its own were being sold, conducted inquiries and obtained invoices dated 11.07.2024, showing commercial sale of such goods. While the mark on the products differs slightly in name, colour, or background, the overall appearance, packaging, artistic design, and trade dress closely resemble the petitioner's "ASTEL STRONG" products, making them practically indistinguishable to consumers. The crucial point is that, after the decree was obtained and affirmed in favour of the petitioner, the respondents deliberately started the same business under a slightly different name, intended to mislead and confuse the



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public, while continuing to operate from the very same address mentioned in the trademark applications. Such conduct clearly demonstrates a wilful attempt to continue the infringing business in defiance of the Court's order, rather than any accidental or bona fide variation.

11. The petitioner, having gathered credible material showing deliberate infringement, has rightly invoked the contempt jurisdiction of this Court. The explanation offered by the respondents that they believed the new mark was distinct or that there was no wilful intention cannot be accepted. The overall conduct of the respondents demonstrates a calculated attempt to evade compliance with the decree by making only minor variations while continuing the offending business.

12. Under Section 2(b) of the Contempt of Courts Act, 1971, "civil contempt means the wilful disobedience of any judgment, decree, direction, order, writ or other process of a court, or wilful breach of an undertaking given to a court." In the present case, the first respondent/first defendant, with full knowledge of the decree dated 28.06.2024, continued the infringing business under another name and mark. Such conduct amounts to wilful and deliberate disobedience, thereby constituting civil contempt. Section 12 of the Act provides



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that "whoever is found guilty of civil contempt shall be punished with simple imprisonment for a term which may extend to six months, or with fine which may extend to two thousand rupees, or with both." The deliberate and repeated violation in the present case clearly attracts Sections 2(b) and 12 of the Act. It is pertinent to note that judicial orders must be obeyed in both letter and spirit, and no party can render a decree ineffective by adopting indirect or evasive measures.

13. The Court finds that Respondent No.1/Defendant No.1 has willfully disobeyed the decree dated 28.06.2024 in C.S.(Comm. Div.)No.51 of 2024. Despite the clear order, the respondent continued the infringing business, which could also confuse consumers. This shows a deliberate and repeated violation. Therefore, Respondent No.1/Defendant No.1 is guilty of civil contempt under Sections 2(b) and 12 of the Contempt of Courts Act, 1971. Considering the deliberate nature of this disobedience, and to uphold the authority of the Court and protect the petitioner's rights, Respondent No.1/Defendant No.1 shall face a civil sentence of one month's imprisonment. This sentence is imposed because the violation was wilful and repeated.



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14. Accordingly, this Contempt Petition is allowed. Respondent No.1/Defendant No.1 is sentenced to civil imprisonment for one month. The respondents are further directed to immediately stop manufacturing, distributing, or selling any product under the mark "EXTRA STRONG" or any mark, logo, or packaging deceptively similar to the petitioner's "ASTEL STRONG". It is open to the petitioner to initiate Execution Proceedings to recover the decretal amount of Rs.10,00,000/-, along with costs and any other sums, if any. Consequently, the connected Sub Applications in Sub Application (OS) Nos.287, 290 and 725 of 2025 are disposed of in accordance with the above directions, while the other connected Sub Application Nos.288 and 289 are closed.

15. Before concluding, this Court notes that court orders are not mere formalities. Once a decree is passed, it must be obeyed fully. Any attempt to ignore or bypass it will have serious consequences, as wilful disobedience cannot be allowed.

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Index : Yes/No
Neutral Citation Case : Yes/No
Speaking Order : Yes/No

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Pre Delivery Order in
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