



O.S.A.(CAD) Nos.94 & 95 of 2025

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.09.2025

CORAM:

THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN

AND

THE HONOURABLE MR.JUSTICE MUMMINENI SUDHEER KUMAR

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1. S.Sudhakar
2. S.Dhinakar
3. M/s.T.M.Karuppiah Nadar Sons,
rep. by its Partner
S.Sudhakar
4. M/s.Shri Lakshmi Agro Foods,
rep. by its Partner S.Sudhakar.
5. Shri Lakshmi Agro Foods Pvt.Ltd.,
rep. by its Managing Director,
S.Sudhakar. ... Appellants in both Appeals

-vs-

Sri Narasus Coffee Co Pvt. Ltd.,
rep. by its Managing Director,
S.Srudheep. ... Respondent in both Appeals

PRAYER : Appeals against the order, dated 23.04.2025, passed in O.A. Nos.781 and 782 of 2024 and A.Nos.5429 and 5431 of 2024 in C.S.



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WEB COPY (Comm.Div.) No.203 of 2024 on the file of this Court, in so far it does not injunct the respondent/defendant from using the trademark UDHAIYAM in respect of coffee, curd, paneer and other products.

For Appellants : Mr.Madhan Babu

For Respondent : M/s.S.Subashiny

JUDGMENT

(By Dr.G.Jayachandran,J.)

The suit in C.S.(Comm.Div.) No.203 of 2024 is one for permanent injunction, restraining the defendant from using the registered trademark UDHAIYAM deceptively, thereby causing infringement of the plaintiffs' trademark right and goodwill.

2. The grievance of the appellants/plaintiffs in the suit is that the registered trademark UDHAIYAM is being infringed by the respondent/defendant, by using the trademark for their products, such as, coffee, paneer and curd.

3. Interlocutory Applications for issuance of interim injunction were taken out by the appellants/plaintiffs and the same were contested by the respondent/defendant, stating that their trading house, popularly known as "Narasu's" is in business for about 100 years and, for their products, they are using label mark containing UDHAIYAM along with their house mark



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WEB COPY "Narasu's".

4. The plea of the respondent/defendant is that the use of their house name "Narasu's" as prefix to the word UDHAIYAM is distinct and not deceptively similar.

5. The learned single Judge, after considering the plea, as an interim measure and on an undertaking given by the respondent, has passed an interim order, restraining the respondent/defendant from using the word UDHAIYAM in isolation for their products and, at the same time, the products sold by the respondent/defendant with their house name "Narasu's" along with the word UDHAIYAM in respect of coffee, paneer and curd be protected. In other words, the respondent/defendant is restrained from marketing any other products, other than what has been mentioned above, with the multiple sub-brand UDHAIYAM.

6. Being aggrieved, the plaintiffs, as appellants, have preferred these appeals with prayer that the respondent should be restrained from marketing even the three products, namely, coffee, paneer and curd, with the sub-name UDHAIYAM.

7. It is contended by the learned counsel for the appellants that despite a specific undertaking given by the respondent that they will not market any other products other than the three products, namely, coffee, paneer and curd, with the suffix UDHAIYAM, they are marketing the products



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with prefix "Narasu's" and trading the products with the exclusive name UDHAIYAM.

8. When the matter came up for admission earlier, it was represented by the respondent that they intended to file an appeal against the restraint order imposed on them for marketing other products with suffix UDHAIYAM.

9. Today, when the matter came up for consideration, learned counsel for the appellants submitted that there are invoices, which would indicate that the respondent has violated the interim order passed by the learned single Judge.

10. Learned counsel for the respondent submitted that their appeal filed is pending in the Registry for numbering and, so far as the contention of the learned counsel for the appellants that they are trading their products with the name UDHAIYAM, it is submitted that it is the invoice, which shows that the products, by name UDHAIYAM, are sold by them, but, it is only between the dealers of their outlets.

11. This Court, on considering the rival submissions and the order passed by the learned single Judge, finds that the interim order has been passed, taking into consideration the balance of convenience of both the parties. The respective parties have to establish in trial as to how they are entitled to have exclusive right over the name UDHAIYAM. The interim order,



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which allows the respondent to use the word UDHAIYAM for their three products with the prefix of their house name "Narasu's", cannot be faulted, since it is an order passed as an interim measure and also based on the undertaking given by the respondent that they will not extend the use of the name UDHAIYAM for any other products. Therefore, this Court is of the view that the grounds of appeal, challenging the interim order, are not sustainable.

12. Accordingly, these Original Side Appeals stand dismissed. We request the learned single Judge to dispose of the main suit itself, after giving opportunity to both the parties to adduce evidence. Any observations made by us while dismissing these appeals shall not stand in the way of the learned single Judge disposing of the suit on merits. No costs. Consequently, the connected C.M.P.Nos.21597, 21602, 21604 and 21605 of 2025 are closed.

dixit

(DR.G.J.,J.) (M.S.K.,J.)
17.09.2025

DR.G.JAYACHANDRAN,J.
AND
MUMMINENI SUDHEER KUMAR, J.

dixit



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