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C.S.(Comm.Div.) No.223 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26.03.2025

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THE HONOURABLE MR.JUSTICE SENTHILKUMAR RAMAMOORTHY

C.S.(Comm.Div.) No.223 of 2024
and O.A.Nos.848 to 850 of 2024, A.No.5788 of 2024

M/s. Origin Nutrition Private Limited,
Represented by its Director Mr.Chirag Gupta,
SP 7A, Industrial Estate, Guindy, Chennai,
Tamil Nadu-600 032.

... Plaintiff

VS.

1. M/s. THG Nutrition (India) Private Limited,
Represented by its Director, Mr.Prakash Radheshyam Mishra,
Having its Registered Office at
203, 2nd floor, Time Tower, Gurgaon,
Haryana-122002.

2. Mr.Prakash Radheshyam Mishra,
Director, THG Nutrition (India) Private Limited,
203, 2nd floor, Time Tower,
Gurgaon, Haryana-122002.

3. M/s. MSM Retail Private Limited,
B-123, Sector-2, Gautam Buddha Nagar,
Noida, Uttar Pradesh, India – 201301.

... Defendants



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PRAYER: Plaintiff filed under Order VII Rule 1 of the Code of Civil Procedure Read With Order IV Rule 1 of the Original Side Rules of the Madras High Court, Section 2(1)(C)(XVII) Read With Section 7 of the Commercial Courts Act, 2015 and Sections 27, 28, 29, 134 & 135 of the Trade Marks Act, 1999, prays for the Judgment and Decree against the defendants as follows:

a. A permanent injunction restraining the 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 ORIGIN/



which is identical to the Plaintiff's registered trademark 'ORIGIN NUTRITION' amounting to an infringement of the Plaintiff's registered trademark 'ORIGIN NUTRITION' bearing applications no. 6296788 in Class 05 in any manner whatsoever;



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b. A permanent injunction restraining the 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 ORIGIN/



or any other mark which is identical/similar to the Plaintiff's trademarks ORIGIN/ORIGIN NUTRITION and such other marks and passing off the goods / services of the Defendant as and for those of the Plaintiff in any manner whatsoever;

c. A permanent injunction restraining the 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 ORIGIN/



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or any mark which is deceptively similar and or identical to the Plaintiff's trademark ORIGIN/ORIGIN NUTRITION amounting to unfair competition, dilution of the goodwill and reputation of the Plaintiff's trademark or doing any other thing which will lead to dilution of Plaintiff's Intellectual Properties;

d. The Defendants be ordered to pay the Plaintiff a sum of INR 10,00,000/- (Rupees Ten Lakhs Only) as damages for having committed infringement of the Plaintiffs' registered trademark and passing off in respect of the Plaintiffs' trademark ORIGIN/ORIGIN NUTRITION and its formative marks;

e. A preliminary decree be passed in favor of the Plaintiff directing the Defendants to render true and proper accounts of the profits arising out of the amount of sales generated by the defendant in respect of their alleged activities bearing the trademark ORIGIN/



or any mark which is deceptively similar and or identical to the Plaintiff's trademarks ORIGIN/ORIGIN NUTRITION in any manner whatsoever;

f. Directing Defendant No. 3 for delivery up of any brochures/printed material and/or any material bearing the trademark ORIGIN/



which infringes Plaintiffs' registered trademark 'ORIGIN NUTRITION';

g. Costs of such other relief as this Hon'ble Court may deem fit, in the circumstances of the case, in the interests of justice and equity.

For Plaintiff : Mr.Aaryyan Aathreya
for Mr.M.S.Bharath

For Defendants : Ms. S.Nithya
for Dr.R.Mohan Dewan



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The suit was filed seeking relief in respect of alleged infringement of trade mark and passing off. The parties have reached a settlement and recorded the terms thereof in memorandum of compromise dated 26.03.2025. Annexed thereto is settlement agreement dated 17.03.2025. While the memorandum of compromise is signed by counsel for the plaintiff and counsel for the defendants, the settlement agreement has been signed by the plaintiff as the first party, the 1st defendant as the second party, the second defendant as the third party and the 3rd defendant as the fourth party.

2. The settlement agreement records that the defendants agreed to the issuance of a decree in terms of prayers sought in paragraph 72 a, b and c of the plaint. It further records that the plaintiff has given up the prayers in paragraph 72 d, e and f of the plaint. It also records that the defendants have paid a sum of Rs.1,00,000/- towards costs and expenses. I see no legal impediment to the issuance of a decree in terms of the settlement agreement.



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3. Therefore, C.S.(Comm.Div)No.223 of 2024 is decreed in terms of memorandum of compromise dated 26.03.2025 and settlement agreement dated 17.03.2025. The said documents shall form an integral part of the decree. In the circumstances, there will be no order as to costs. Consequently, connected miscellaneous petitions are closed.

26.03.2025

Index : Yes / No

Internet : Yes / No

Neutral Citation: Yes / No

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