



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05-11-2025

CORAM

THE HONOURABLE MR.JUSTICE N.SENTHILKUMAR

A Nos. 4573 and 4574 of 2025

in

C.S.(COMM.DIV.) 297 of 2023

1. Kalyan Jewellers India Limited
Rep.by its Business Head,
Mr.Sujumon.K,
Old Door No.51
New Door Nos 6 and 6A
Sir Theyagaraya Road T Nagar
Chennai 600017

Applicant(s)

Vs

1. Kalyan Fashion Jewellery
Carrying Business at
20-37G,Vasantham Building, Thucklay,
Kanyakumari District,
Tamil Nadu-629175 and at
TPM Road, Near Bus Stand, Karungal,
Kanyakumari District,
Tamil Nadu-629157

Respondent(s)

**PRAYER in A.4573/2025**

To grant leave to the Applicant/ Plaintiff to bring on record the additional documents more fully set out in the Schedule to the Judges summons

PRAYER in A.4574/2025

To recast the issues framed in the present suit and frame an additional issue as to the validity of the Defendants mark under Registration No.2567568.

For applicant: Mr.Harishankar for
M/s.Mithreyi Kasthurirangan

For Respondent: Mr.G.Babu

COMMON ORDER

The present Applications have been filed to grant leave to the Applicant/ Plaintiff to bring on record the additional documents more fully set out in the Schedule to the Judges summons and to recast the issues framed in the present suit and frame an additional issue as to the validity of the Defendant's mark under Registration No.2567568.

2. The respondent has expressed no objection for both the applications to be ordered.

3. Accordingly, both the Applications are ordered. The additional documents sought to be brought on record are received.



4. The issues that were framed by this court on 12.2.2025 are as follows:-

*"1) Whether the defendant's trade mark **"Kalyan Fashion Jewellery"** is deceptively similar to the plaintiff's trade mark **"Kalyan"**, including all associated trade marks?*

*2) Whether the defendant's use of the trade mark **"Kalyan Fashion Jewellery"** constitutes infringement of the plaintiff's registered trade mark?*

3) Whether the defendant is passing off its goods as those of the plaintiff by using the impugned trade mark?

4) Whether the plaintiff is entitled to a sum of Rs.10,00,000/- as damages?

5) Whether the plaintiff is entitled to the other reliefs claimed?

6) Whether the parties are entitled to any other relief?"

5. In addition to the above issues, the following issue is framed for consideration:-

*"Whether the defendant's trade mark **"Kalyan Fashion Jewellery"** under **Registration No.2567568** can be construed*



as a valid trade mark, when it is under challenge by way of

Rectification Application filed by the plaintiff on 7.12.2022?"

6. Post the matter before the **Additional Master II on 01.12.2025** for recording evidence and list the case before **this court on 5.1.2026** after completion of recording of evidence.

05-11-2025

ssk.

Index:Yes/No

Speaking/Non-speaking order

Internet:Yes

Neutral Citation:Yes/No



To

Kalyan Fashion Jewellery

Carrying Business at 20-

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Kanyakumari District,

Tamil Nadu-629175 and at

TPM Road, Near Bus Stand, Karungal,

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Tamil Nadu-629157



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N.SENTHILKUMAR J.

ssk.

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