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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24-11-2026

CORAM

THE HON'BLE MR.JUSTICE P.B. BALAJI

A No. 5110 of 2026
IN
C.S(COMM DIV.) NO. 327 OF 2026

1. M/s.Charoen Pokphand Group Co. Ltd
   Represented by its Constituted Attorney,
   Mr. Balasubramanian Saikumar
   No. 313, CP Tower, 14th and 16th Floor, Silom Road, Silom Sub district, Bankrak District, Bangkok, Thailand- 10310.

2. Mr. Balasubramanian Saikumar
   Age 69
   Sole Proprietor of Southern India Aquatek
   No.2, Dr. Narasiman Road, T. Nagar, Chennai 600 017, Tamilnadu, India

..Applicant(s)

Vs

1. John Doe (not known)
   Manufacturer and supplier of counterfeit/Infringing OPTIMUM products

2. Anju Shaw
   Proprietor of New Blossom Aquarium
   Flat No. G1, Ground floor, 40/41, Annapurna Apartment Kali Kundu Ln, Kadam Tala, Howrah, West Bengal -711101
   Also at
   No.3, 1, Kali Kundu Ln, Kadam Tala, Howrah Maidan Area, Howrah, West Bengal-711101

3. Mr Amit Patra
   Proprietor of Amit Aquarium
   Having address at No. 61, P. Road, Dasnagar,

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Howrah, West Bengal 711105
Also at
Kashipur Shibmandir,
Cti Dasnagar, Domjur, Dasnagar,
Howrah, West Bengal-711105

4. Ms. Sangita Sarkar
Proprietor of Ms Blue marlin
Ward 26 (o) /17(N)
BL-AB, AS-208, Jyangara, Krishnapur,West Bengal- 700101
Also at J.L. No. 9, 55 and 8, Mouza Chandipur,Harinarayan Chak, Amraberia, District,Howrah, West Bengal- 711316
Also at
Plot No.A1, Haringata Industrial Park, District Nadia, West Bengal-741249
Also at
Minu Nag,Prafulla Kanan West Kolkata-700101

5. Mr.Sapnil Sarkar
Trading as M/s.Sapnil Enterprise,
AA67, Ashim Sarkar Prafulla Kannan,
Kestopur, Rajarhat, Kolkata
West Bengal-700101

6. Flipkart India Private Limited
Represented by its Authorised signatory,
Alyssa, Begonia and Clover Embassy Tech Village,
Outer Ring Road, Devarabeesanahalli Village,
Varthur Hobli, Bengaluru, Karnataka 560103
Also at ESR Warehousing and Logistic park
B.No.3, and B.No.4, Chandipur,
Harinarayanchak and Araberia, in J.L.No.9
55 and 8, P.S.Uluberia, Uttar Pirpur, Howrah
West Bengal-711316

7. Meesho Technologies Private Limited
Represented by its Authorised signatory,
Having registered office at
3rd Floor, Wing-E, Helios Business Park,

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Kadubeesanahalli Village, Varthur Hobli, Outer Ring Road, Bellandur,Bangalore, Bangalore South, Karnataka-560103

..Respondent(s)

A No. 5110 of 2026

To appoint 5 Advocate Commissioners directing him/her to visit the premises of the Respondent/Defendant of the following locations along with representatives of the Applicant/Plaintiff and its Counsels, break open the locks if the premises are found locked, with the assistance of police authorities, if necessary and seize the infringed products that contains the counterfeit / Infringing marks and artworks or any other product containing similar / identical marks or artworks to that of the applicants / plaintiffs trademarks and copyrights as described in Schedule A of the plaint:

Defendant No.2:

Anju Shaw
Proprietor of New Blossom Aquarium
Flat No. G1, Ground floor, 40/41, Annapurna Apartment Kali Kundu Ln, Kadam Tala, Howrah, West Bengal -711101
Also at
No.3, 1, Kali Kundu Ln, Kadam Tala,
Howrah Maidan Area, Howrah,
West Bengal-711101

Defendant No.3:

Mr Amit Patra
Proprietor of Amit Aquarium
Having address at No. 61, P. Road, Dasnagar, Howrah, West Bengal 711105
Also at
Kashipur Shibmandir,
Cti Dasnagar, Domjur, Dasnagar,
Howrah, West Bengal-711105

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Defendant No.4:

Ms Sangita Sarkar
Proprietor of Ms Blue marlin
Ward 26 (o) /17(N)
BL-AB, AS-208, Jyangara, Krishnapur,West Bengal- 700101
Also at J.L. No. 9, 55 and 8, Mouza Chandipur,Harinarayan Chak,
Amraberia, District,Howrah, West Bengal- 711316
Also at
Plot No.A1, Haringata Industrial
Park, District Nadia, West Bengal-741249
Also at
Minu Nag,Prafulla Kanan West
Kolkata-700101

Defendant No.5:

Mr.Sapnil Sarkar
Trading as M/s.Sapnil Enterprise,
AA67, Ashim Sarkar Prafulla Kannan,
Kestopur, Rajarhat, Kolkata
West Bengal-700101

A No. 5110 of 2026

For Applicant(s): Mr.M.S.Bharath

ORDER

The applicants have filed this application seeking appointment of five Advocate Commissioners with directions to the Commissioners:

(i) to visit the respective premises where the respondents / defendants are located along with the representatives of the applicants / plaintiffs and / or its counsels, break open the locks in the even the premises being found locked and also taken the assistance of police authorities, if necessary and seize the

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infringed products contains the counterfeit / infringing marks and artworks or any other product containing similar / identical marks or artworks to that of the applicants / plaintiffs trademarks and copyrights as described in Schedule A of the plaint;

(ii) to make an inventory of the products containing the infringing trademark products containing the similar / identical marks or art works that are similar / identical to that of the applicants / plaintiff's trademarks and copyrights as set out in Schedule A of the plaint and to seal and seize the same;

(iii) to demand identification proof from the representative's present at the premises and to record the full names, permanent addresses and other identification particulars of such individuals in the report;

(iv) to inspect and take copies of all books of accounts including ledgers, cash books, if any, and to sign the same or in the alternate take printouts of all accounting records maintained on computers at the respondent's premises;

(v) to take photographs and videography of the local commission proceedings; to prepare reports, summaries, inventories of the same;

(vi) to visit other premises where the counterfeit /infringing products bearing the applicant's / plaintiff's trademarks and copyrights as mentioned in Schedule 'A' of the plaint are kept, which could be carrying products of the respondents / defendants infringing upon the applicant's / plaintiff's trademark.

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2. I have already granted an order of interim injunction in O.A.Nos.1326, 1327, 1328 & 1329 of 2026 in C.S.(Comm.Div.) No.327 of 2026 finding that the applicants / plaintiffs have made out a strong case for grant of an *ex parte* interim injunction. Since it is a clear case of counterfeiting strongly made out by the applicants / plaintiffs, I deem it a fit case where the Advocate Commissioners have to be appointed, *ex parte* so that the respondents / defendants will not be given sufficient time to remove the infringing marks / products and in such view of the matter.

3. The applicants have sought for appointment of five different Advocate Commissioners to go over independently to the places of business of respondent Nos.2, 3, 4 and 5 all situated within the jurisdiction of West Bengal.

4. I am also satisfied with the prayers that have been sought for in the application for appointment of Advocate Commissioners. In the light of the above, the following advocates are appointed as Advocate Commissioners:

(i) D.Sophia Selvi,
Advocate (Enroll No.1563/2007)
No.26, Law Chamber, High Court Buildings,
High Court, Chennai – 600 104.
Mobile: 9884459053, is hereby appointed to execute the warrant of commission relating to the second respondent / second defendant.

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(ii) Anupradhanya Arjunan
Advocate,
No.A3-11, TVH Ekanta Apartments,
G.V.Residency,
Coimbatore – 641 015,
Mobile: 8903155333, is hereby appointed to execute the warrant of commission relating to the third respondent / third defendant.

(iii) S.Balamuki
Advocate,
No.14, 3rd Floor, Sunkumara Street, Opp. Madras High Court Campus
and Bar Council, Parrys,
Chennai – 1,
Mobile:7395880532, is hereby appointed to execute the warrant of commission relating to the fourth respondent / fourth defendant having address at Ward 26 (o)/17(N)BL-AB, AS-208, Jyangaa, Krishnapur, West Bengal- 700101; Also at J.L. No. 9, 55 and 8, Mouza Chandipur, Harinarayan Chak, Amraberia, District,Howrah, West Bengal- 711316

(iv) M.Manimaran
Advocate,
Old NO.294, New No.186,
1st Floor, Malhotra House,
Thambu Chetty Street,
Chennai – 600 001,
Mobile:9940235265, is hereby appointed to execute the warrant of commission relating to the fourth respondent / fourth defendant having address at Plot No.A1, Haringata Industrial Park, District Nadia, West Bengal – 741 249; Also at Minu Nag, Prafulla Kanan West Kolkata – 700 101.

(v) T.Dhanush
Advocate,
No.243, Additional Law Chamber First Floor,
Madras High Court,
Chennai – 600 104
Mobile:7397269324, is hereby appointed to execute the warrant of commission relating to the fifth respondent / fifth defendant.

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5. The Advocate Commissioners shall be paid an initial remuneration of Rs.50,000/- each to be borne by the applicants / plaintiffs.

6. Registry shall issue separate warrants to each of the Advocate Commissioners.

7. The Advocate Commissioners shall personally go over to the respective places of business of the respondents 2 to 5 as mentioned above and execute the warrants that have been issued to them, pursuant to the order passed in this application and file a report on or by 17.12.2026.

8. List the case on 17.12.2026.

24-11-2026

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

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P.B.BALAJI, J.

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