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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. 5111 of 2026
IN
C.S(COMM DIV) NO. 327 OF 2026

1. M/s.Charoen Pokphand Group Co., Ltd.,
   Represented by its Constitutrd Attorney,
   Mr. Balasubramanian SaikumarNo. 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)

To grant leave to combine cause of action in respect of the following ..

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 using, incorporating, reproducing or adopting any of the Plaintiffs registered trademarks, either in their entirety or in a deceptively similar form, whether independently or in combination with any prefix, suffix, intervening word, expression or addition, including but not limited to the word “OPTIMUM”, or any other variation thereof, from illegally engaging in advertising, marketing, promoting, publicising and representing themselves to be affiliated with, sponsored by, licensed by, authorised by or endorsed by the Plaintiffs, including offering for sale, providing any goods or services, maintaining and/or operating websites, domain names, social media platforms, email addresses, advertisements, promotional materials, websites, email addresses, trade names, business names, digital communications or any other online or offline medium, trade/corporate names or in any other manner whatsoever, directly or indirectly, online or offline which is identical with or deceptively similar to the Plaintiffs marks amounting to infringement of the Plaintiffs registered trademarks bearing Registration number 2284659 in class 31 for the mark , 3820949 in class 31 for the mark , 3820950 in class 31 for the mark , 3820951 in class 31 for the mark , 7036413 in class 31 for the mark in any manner whatsoever;

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b.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 using, incorporating, reproducing or adopting any of the Plaintiffs marks, either in their entirety or in a deceptively similar form, whether independently or in combination with any prefix, suffix, intervening word, expression or addition, including but not limited to the word OPTIMUM, , , , , , or any variation thereof, from illegally engaging in advertising, marketing, promoting, publicising and representing themselves to be affiliated with, sponsored by, licensed by, authorised by or endorsed by the Plaintiffs, including offering for sale, providing any goods or services, maintaining and/or operating websites, domain names, social media platforms, email addresses, advertisements, promotional materials, websites, email addresses, trade names, business names, digital communications or any other online or offline medium, trade/corporate names or in any other manner whatsoever, directly or indirectly, online or offline which is identical with or deceptively similar to the Plaintiffs marks labels, all packaging materials as mentioned in Schedule A or any mark, name, expression or designation identical with, identical to or otherwise likely to be associated with the Plaintiffs trademarks ,its labels , and trade dress so as to passing off or enable others to pass off their goods as and for the genuine products associated with the OPTIMUM mark

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 illegally engaging in advertising, marketing, promoting, publicising and representing themselves to be affiliated with, sponsored by, licensed by, authorised by or endorsed by the Plaintiffs, including offering for sale, providing any goods or services,

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maintaining and/or operating websites, domain names, social media platforms, email addresses, trade/corporate names or in any other manner whatsoever, directly or indirectly, online or offline under , , , , , or any artistic work which is deceptively similar and/or identical to the Plaintiffs artistic work or a substantially reproduction of the Plaintiffs original Artworks/ trade dress/packaging/ colour scheme/ get up/ layout of the Plaintiff or any other trade dress/packaging/ colour scheme/ get up/ layout of the Plaintiff which is a reproduction and /or substantial reproduction of Plaintiffs Artworks so as to infringe the Plaintiffs Copyright in the original Artworks mentioned in Schedule A and such other artistic works amounting to infringement of the Plaintiffs copyright in the Plaintiffs original artistic works mentioned in Schedule A in any manner whatsoever.

d. 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 illegally engaging in advertising, marketing, promoting, publicising and representing themselves to be affiliated with, sponsored by, licensed by, authorised by or endorsed by the Plaintiffs, including offering for sale, providing any goods or services, maintaining and/or operating websites, domain names, social media platforms, email addresses, trade/corporate names or in any other manner whatsoever, directly or indirectly, online or offline in the name of OPTIMUM, , , , , , which is similar/identical to the Plaintiffs marks and artistic works as mentioned in Schedule A amounting to unfair competition, dilution of the goodwill and reputation of the Plaintiffs trademark or doing any other thing which will lead to dilution of Plaintiffs Intellectual Properties in any manner whatsoever.

e.The Defendants be ordered to pay the Plaintiff as sum of INR 1,00,00,000/- Rupees One Crore Only as damages for having committed infringement of the

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Plaintiffs registered trademarks, Infringement of Copyright and passing off in respect of the Plaintiffs trademarks and its formative marks.

f.A preliminary decree directing the Defendants to render true and faithful accounts of all revenues, profits and monies earned by them through the impugned website, followed by a final decree directing payment of such profits to the Plaintiff.

g.Directing the Defendants to delivery up or surrender to the Plaintiff or destroy all offending material, including websites, webpages, domain names, promotional material, brochures, advertisements, digital records, electronic records, social media accounts, email accounts and all other material bearing the Plaintiffs trademarks, artistic works, literary works or any deceptively similar / identical variant thereof.

h.Directing the Defendants to pay the costs of the present proceeding.

A No. 5111 of 2026

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

ORDER

This application has been filed seeking the leave of this Court to combine the cause of action by filing a single suit seeking the relief of permanent injunction in respect of trademark infringement, copyright infringement as well as passing off and other reliefs as prayed for in the plaint.

2. I heard Mr.M.S.Bharath, learned counsel for the applicants / plaintiffs and I have also gone through the affidavit filed in support of the application and satisfied that the applicants / plaintiffs are entitled to leave to combine the cause

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of action since it would avoid multiplicity of proceedings and all disputes will be decided in a single suit.

3. In view of the same, this application is allowed.

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

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P.B.BALAJI, J.

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