

**In the Court of IV Additional District and Sessions Judge,
D.K., Mangaluru.**

Present:- **Smt. Sunitha S.G.**, B.Sc., LL.B.,
IV Additional District and Sessions Judge,
D.K., Mangaluru.

Dated: - This the **2nd day of May, 2025.**

Com. O.S. No.269/2024

Plaintiff:

Mrs. Usha Shenoy.

/ Versus /

Defendants:

The Authorised Signatory,
M/s. Sachin Trading Company and others,

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ISSUES

1. Whether the Plaintiff proves that she is the registered holder of the word/device trade mark and the artistic work "DEVGIRI" ?
2. Whether the Plaintiff proves that defendant's jointly and severally indulged in manufacturing and selling the Tea powder and various tea powder variants by affixing same/similar/deceptively similar artistic work of plaintiff and the Trade Mark "DEVGIRI" as "VEDGIRI" and thereby has committed passing off?
3. Whether the Plaintiff is entitled for perpetual order injunction against defendant's from using the "VEDGIRI" or any word/label/ name/expression which

is identical or deceptively similar to “DEVGIRI” on internet or any other such form of use relating to manufacturing, preparing, selling, marketing of goods and services?

4. Whether the Plaintiff is entitled for relief of perpetual order and prohibitory injunction against defendant's to delete the impugned advertisements including in pages created on social media under name and style “DEVGIRI” or “VEDGIRI” or any name having deceptively similarity with trade mark and artistic work “DEVGIRI”?
5. Whether the Plaintiff is entitled for relief of perpetual order and prohibitory injunction against defendant's to de-register and to cancel the impugned domain name all that contained “DEVGIRI” or “VEDGIRI” or any name having deceptive similarity with trade mark and artistic work “DEVGIRI”?
6. Whether plaintiff is entitled for relief against defendant's restraining them from making any application for registration of Trade mark before Registrar of Trade mark?
7. Whether plaintiff is entitled for relief of damages for infringement or passing off by the defendant's and to render true accounts of all profits earned by using impugned name and mark “DEVGIRI” and/or “VEDGIRI” either as part of commercial establishment name or otherwise in relation to their business?
8. Whether plaintiff is entitled for relief directing defendant's to deliver to plaintiff for destruction without compensation all articles, dyes and other

goods and articles of all kind of nature bearing and containing any reference to impugned mark, “VEDGIRI” or deceptively similar to plaintiff’s trade mark and copyright artistic work DEVGIRI”?

9. Whether plaintiff is entitled for relief directing the defendant’s to give an unconditional undertaking that they will not sell goods or provide services or let for hire with false trade mark or false description as DEVGIRI” and/or “VEDGIRI”?
10. Whether plaintiff is entitled for relief of declaration that plaintiff’s mark “DEVGIRI” is a well known mark?
11. Whether plaintiff proves that suit is properly valued and and court-fee paid is sufficient?
12. Whether defendant Nos. 1 to 5 prove that they are not necessary parties to this suit?
13. Whether defendant No.7 prove that suit is not maintainable ?
14. What Order or Decree?

(Sunitha S.G.)

IV Addl. District & Sessions Judge,
D.K., Mangaluru.