

**In the Court of the Vacation Judge of Palakkad.
Present: Sri. K.E.Salih, District Judge**

**Tuesday, the 31st day of March, 2026/
10th day of Chaithra, 1948 S.E.**

ORIGINAL SUIT No.05/2025

Plaintiff :

Neethi Medical Laboratory Private limited, 40/548, Nurani Junction, Big Bazar High School Road, Nurani, Palakkad
Represented by its Managing Director, Nixy Jose, W/o. Saji George, aged 45 years, Mukaleparambil, Ullas Nagar, Vadakkanchery (P.O), Alathur Taluk, Palakkad District, Pin 678683

By Advocates: Sri. Shibu Shamsudeen & Sri. Jacaob Mathew

VS.

Defendants :

- 1 Uma Somasekharan, W/o. Somasekharan, Ambalathinkal, 315, Palliakara Road, Thiruvalla (P.O), Pathanamthitta District.
- 2 Aravind Somasekharan, S/o. Somasekharan, Ambalathinkal, 315, Palliakara Road, Thiruvalla (P.O), Pathanamthitta District.

Defendants - Absent, Set Ex-parte

J U D G M E N T

This is a suit filed by the plaintiff for permanent prohibitory injunction and mandatory injunction.

2. The main averments in the plaint, in brief, are as follows:-

The plaintiff is a Medical Laboratory which is represented by Managing Director. The plaintiff is running the business of conducting medical Laboratory in the name NEETHI MEDICAL LAB which is incorporated under the companies act and registered under the Ministry of Corporate Affairs of the Government of India. The Plaintiff is conducting the business since last so many years having around 95 branches in all over the districts in Kerala. In Pathanamthitta District itself the plaintiff is running six Medical Laboratories at Pathanamthitta Town, Ranny, Konny, Mallapally, Panthalam and Thiruvalla. The plaintiff is providing quality service to the people at affordable price and given dedicated service promptly and timely to the people by which the plaintiff's shop became popular in Kerala state and got goodwill. The plaintiff is living by the income derived from the business and this business is the only the lively hood of the plaintiff. One of the plaintiff's Branch running at WARBA Centre. at Ramanchira, Thiruvalla, Pathanamthitta District in Building no: 36/662 Thiruvalla Municipality by name NEETHI MEDICAL LAB. The defendants

were the proprietors of Doctors Diagnostic Center and they were running a medical laboratory in the name and style of Doctors Diagnostic Center at opposite to the Govt. Hospital Thiruvalla, and due to the substandard service and low quality their business was running loss and in order to overcome the loss of business now the defendants are trying to start the same business incorporating the same name of Plaintiff's shop as Neethi Lab at opposite Hospital to the Thiruvalla which is near to the shop of the plaintiff. Instead of raising the quality of the business now the defendants are attempting to change the name of the shop by incorporating the trade name of the plaintiff as if it is the branch of the plaintiff's establishment. The defendants are proposed to start the business near the plaintiff's shop in the same brand name of the plaintiff. If the defendants start the new shop in the name of plaintiff's shop which would adversely affect the business and goodwill of the plaintiff and it may cause to confuse the customers from identify the shops and every substandard service of the defendants' shop which will adversely affect the goodwill and

business of Neethi Lab since both shops are placing as same brand name. Even though the brand name of the plaintiff's is not protected under the Copyright Act, the plaintiff has every right to protect it from copying his brand name by the defendants. The intention of the defendants is to grab the goodwill and business of the plaintiff by using same name. If it is happened there immense hardship will be caused to the plaintiff and it will affect to the financial resources also. Hence the plaintiff is requested to the defendants on 30.04.2025 not to use the brand name of the plaintiff's institution, but the defendants are refused to hear the words of the plaintiff and instead they are proceeding with new business in the name and style of Neethi Lab, hence for the plaintiff has no other way other than to approach this court to restraining the defendants from copying the brand name and business of the plaintiff's establishment. The defendants have started the shop in the brand name of plaintiff NEETHI LAB. The defendants' act were intentional and grab to the customers by creating confusing the brand name the defendants have no manner of right to start

the shop in the name of plaintiff, hence there may be directed to the defendants to close down the shop and activity by way of mandatory injunction.

3. Summons were duly served on the defendants. Despite service, the defendants remained absent and were set ex-parte.

4. The plaintiff examined PW1 and produced Exts.A1, A2 and C1, which were marked in evidence.

5. Heard the learned counsel for the plaintiff and perused the records.

6. The oral testimony of PW1 and the documentary evidence Exts.A1 and A2 would show that the plaintiff is conducting a registered medical laboratory business under the said name and has established goodwill. Ext.C1 report of the Advocate Commissioner also supports the case of the plaintiff that the defendants are conducting business using the same or deceptively similar name.

7. There is no evidence to rebut the case of the plaintiff. The evidence adduced by the plaintiff remains unchallenged. On appreciation of the pleadings and evidence, this Court is satisfied that the defendants have adopted a deceptively similar name with the intention to cause confusion and to encroach upon the goodwill of the plaintiff.

8. The plaintiff has thus succeeded in establishing a prima facie case, balance of convenience and irreparable injury. Hence, the plaintiff is entitled to the reliefs prayed for.

In the result, the suit is decreed as follows:-

- 1) The defendants are hereby restrained by a permanent prohibitory injunction from using and starting the new clinical Lab in the brand name **NEETHI LAB** by copying the name of the plaintiff's clinical Lab.
- 2) The defendants are further directed by way of mandatory injunction to close down the plaint B schedule property shop functioning under the trademark of Neethi Lab in English and Malayalam word and to remove and destroy all sign boards, name boards, packing materials, advertisement, labels, invoices, visiting cards and any other

materials bearing the said infringing name.

3) The plaintiff is entitled to costs of the suit.

Pronounced by me in open court, on this the 31st day of March, 2026.

Sd/-
K.E.Salih
District Judge

Appendix:

Witness Examined by the Plaintiff:

PW1 : Nixy Jose, W/o. Saji George

Exhibits marked by the Plaintiff:

A1 : Certificate of Incorporation issued by the Deputy Registrar of Companies

A2 : Authorisation from the Kerala State Pollution Control Board (Authorisation under Biomedical Waste Management Rules, 2016)

Witness Examined by the Court: Nil

Exhibits marked by the Court:

C1 : Commission Report

Sd/-
K.E.Salih
District Judge

**Fair/Copy of
Judgment in
O.S.No.05/2025
Dated: 31.03.2026**