

Suit Trade Mark Act No.1/2021
Dr. Rushikesh Vs. Nilesch
Exh. No. 32

ISSUES

1. Does plaintiff prove that he is a proprietor of registered Trade Mark 'Khandu-Chakka' which is pain reliever oil product ?
2. Does plaintiff prove that since 2019 he has been continuously and extensively manufacturing/selling the pain reliever oil under the Trade Mark name 'Khandu-Chakka' ?
3. Does plaintiff prove that the defendant is illegally using his Trade Mark name 'Khandu-Chakka' by manufacturing similar pain reliever/massage oil under deceptive and calculated name as 'Nilesch Ayurvedic **Khandu-Chakka** Plus Malish Tel/Ayurvedic **Khandu-Chakka** + Malish Tel' ?
4. Does defendant prove that 'Khandu-Chakka' is the common name of medicinal plant, therefore, the plaintiff cannot the claim exclusive trade mark of the said name 'Kahandu-Chakka' ?
5. Does plaintiff prove that the defendant has infringed his trade mark 'Khandu-Chakka' ?
6. Whether the plaintiff is entitled for perpetual injunction as prayed ?

7. Whether the plaintiff is entitled for amount of Rs.3,00,000/- from the defendant as a damages towards infringement and passing of his trade mark 'Khandu-Chakka' ?

8. Whether the plaintiff is entitled for delivery of goods/material bearing Khandu-Chakka trade mark from the defendant and decree for their destruction ?

9. What order and decree ?

Date : 24.01.2023

(N. B. Shinde)
District Judge-1, Wardha.