

In the Court of the Principal District and Sessions Judge,

Virudhunagar District at Srivilliputtur

Present:- Thiru.K.Jeyakumar, B.L., L.L.M.,

Principal District and Sessions Judge,

Wednesday, the 18th day of March 2026

I.A.No.05/2025 and I.A.No.06/2025

in

I.A.No.04/2025

in

C.O.S.No.40/2019

M/s. R.K. Match Company Private Limited,

represented by its Managing Director

G.S. Karthikeyan

... **Petitioner / Plaintiff**

/Vs/

1. M/s.ESSAR Match,
represented by one of its partners
P. Arjunan

2. M/s. ESSAR Match,
represented by one of its partners
E.S.M. Erulappan

3. P.Arjunan

4. E.S.M. Erulappan

5. M/s. Jaya Durga Agencies,
represented by its Proprietor
Satya Narayana

... **Respondents / Defendants**

This petition coming before me for final hearing on 05.03.2026 in the presence of Tr.M.Rajapandi, Advocate for the petitioner and Tr.K.Venkatesh Advocate for the 4th Respondent, 1, 2, 3, 5th Respondents set exparte in main suit, and upon hearing the arguments of both side and

perusing the case records, this Court delivered the following,

COMMON ORDER

I.A.No.5/2025

This petition has been filed by the petitioner/plaintiff under Section 151 of the Code of Civil Procedure seeking to re-open the hearing which was posted for orders in I.A.No.4/2025 in the above suit.

I.A.No.6/2025

This petition has been filed by the petitioner/plaintiff under Order XI Rule 1(10) read with Section 151 of the Code of Civil Procedure seeking to condone the delay in filing the documents mentioned in the petition and to receive the same.

2) Gist of the Petitions in I.A.No.05/2025 & I.A.No.06/2025:-

(i) The plaintiff submits that he has been manufacturing and selling matchboxes since the year 1976, which is more than 21 years. The plaintiff is the proprietor of several Trade Mark labels. Among them, the “BULB” Trade Mark label with green colour background has become very popular in the market. Using the said label, the plaintiff has been manufacturing matchboxes and selling them in various States including Tamil Nadu. The said Trade Mark has been duly registered in the Trade Marks Registry bearing No.455169. The said Trade Mark originally belonged to M/s. Soundarapandian Match Works, and in a family

partition the same was allotted to the plaintiff. At the same time, R.K. Match Company was also allotted to the plaintiff.

(ii) In the name of R.K. Match Company, the said BULB Trade Mark label with green background has also been registered under the Copyright Act bearing Registration No.A114275/2015 dated 28.10.2015, and the Trade Mark Registration Number is 455169. The said label has been filed in the suit as “A Schedule Label.” The respondents/defendants have copied the said label and prepared labels shown in the suit as “B Schedule Label.” The respondents/defendants, through ESSAR MATCH, have been selling matchboxes in the market using the said “B Schedule Label,” falsely claiming that their label is the original one and selling the same at a lower price in the market, thereby causing heavy business loss to the plaintiff. Therefore, in order to restrain the illegal acts of the respondents/defendants, the plaintiff has filed the present Commercial Trade Mark Suit before the Commercial Court seeking permanent injunction and other reliefs against the respondents/defendants.

(iii) In the above suit, the respondents/defendants have appeared through their counsel and filed their written statement. The case was posted for trial and the plaintiff was examined as P.W.1 on the side of the plaintiff and Exhibits A1 to A16 were marked on his side. The respondents/defendants have partly cross-examined the plaintiff and the

case is presently pending for continuation of cross-examination. At the time when the plaintiff was examined in chief in the Commercial Court, he could not produce certain documents, namely: The labels prepared and sold in the market by ESSAR MATCH by copying the plaintiff's "A Schedule Label." and A Memorandum of Understanding (MOU) dated 31.03.2011 executed in favour of the plaintiff by his younger brother, Rajasekar. Hence, he seeks to re-open the hearing posted for orders in I.A.No.4/2025, to condone the delay in filing the above mentioned documents and to receive the same.

3) Gist of the Counter filed by the 4th Respondent:-

(i) The 4th respondent submits that he is the 4th respondent in the present petition and the 4th defendant in the suit. The petitioner/plaintiff has filed the above suit by making wholly false and incorrect allegations. The petitioner has also stated that the said label has been filed in the suit as "A Schedule Label" and that the defendants have copied the said label and prepared labels shown as "B Schedule Label" in the suit and that through ESSAR MATCH the respondents/defendants are selling matchboxes in the market using the said label and falsely claiming that it is the original label and selling them at a lower price, thereby causing heavy loss to the petitioner's business. The said allegations are wholly false and are hereby specifically denied by the 4th respondent.

(ii) The 4th respondent further submits that when the evidence of the petitioner as P.W.1 in the suit had already been completed in chief examination and the cross-examination was partly conducted and pending continuation, the petitioner has now stated in Paragraph No.5 of the petition that at the time of his chief examination he could not produce certain documents.

(iii) The petitioner has further stated that the labels allegedly prepared and sold in the market through ESSAR MATCH by copying the petitioner's A Schedule Label and a Memorandum of Understanding dated 31.03.2011 said to have been executed in favour of the petitioner by his younger brother Rajasekar, his wife Umarani and his son Suresh Pandian were not produced earlier and that he now intends to file the said documents as additional documents.

(iv) The 4th respondent submits that for the said purpose the petitioner has filed I.A. No.4 of 2025 seeking to recall P.W.1 and mark the said documents and also to reopen the case. The said request is not acceptable in law. Since the petition filed by the petitioner in I.A. No.5 of 2025 seeking to receive the said documents is not maintainable in any manner, the present petition is liable to be dismissed.

(v) The petitioner has stated that the said documents are important for proving his case in the suit and has sought to condone the delay in

filing them. Such a petition is not maintainable in law. At this stage, no petition can be filed for receiving additional documents. Therefore, it is prayed that this Court pleased to dismiss the petitioner's petition with costs payable to the 4th respondent.

4) No oral and documentary evidences let in on either side.

5) The point for consideration in this petition is whether the petition is allowed or not?

Point:-

6) I.A.Nos.5 and 6 of 2025 have been filed by the petitioner/plaintiff, wherein I.A.No.5/2025 seeks to re-open the hearing posted for orders in I.A.No.4/2025, and I.A.No.6/2025 seeks to condone the delay in filing the petition mentioned documents and to receive the same.

7) The learned counsel for the petitioner/plaintiff has contended that the petitioner/plaintiff has been engaged in the manufacture and sale of matchboxes since 1976 and "BULB" trademark (No.455169) and copyright registration (No.A-114275/2015 dated 28.10.2015) belong to the petitioner and the same has been marked as "A" Schedule in the suit. The respondents/defendants have unlawfully copied the petitioner's label under the name "ESSAR MATCH" and are selling the same in the market at a lower price by falsely representing it as original, thereby causing serious loss to the petitioner's business and goodwill. During

trial, certain vital documents, namely the counterfeit labels used by the defendants and the Memorandum of Understanding dated 31.03.2011, were not filed earlier due to inadvertence. These documents are essential for proper adjudication of the case. Hence, he prays to reopen the stage of I.A. No.4/2025 and condone the delay and permit the petitioner to place the additional documents on record.

8) Per contra, the learned counsel for the 4th respondent contended that the suit is based on false allegations, which are denied, including the claim of copying the “A Schedule Label” and selling matchboxes through ESSAR MATCH. After completion of chief examination and partial cross-examination of P.W.1, the petitioner’s attempt to recall P.W.1, and file additional documents at this stage is not maintainable in law. It is further submitted that the present petitions have been filed only to protract the proceedings and to fill up the lacuna in the petitioner’s case. Hence, the petition is liable to be dismissed with costs.

9) Heard. Records perused. It is seen that these petitions have been filed by the petitioner/plaintiff seeking to reopen the hearing in I.A. No.4 of 2025 and to condone the delay in filing certain additional documents and to receive the same and the petitioner contention is that the documents sought to be produced, namely the alleged infringing labels used by the defendants and the Memorandum of Understanding dated

31.03.2011, are essential for proper adjudication of the case and the 4th respondent has opposed the petitions filed at a belated stage after the examination of P.W.1 and are intended to fill up the lacuna in the plaintiff's case.

10) Considering the submissions on both sides and perusal of the records, this Court is of the view that the documents sought to be produced are relevant for deciding the issues involved in the suit. Mere delay in filing cannot be a ground to reject them, particularly when no serious prejudice would be caused to the respondents, who will have an opportunity to rebut the said documents. In the interest of justice, the documents are received on file, subject to proof and relevancy. Accordingly, the hearing in I.A. No.4 of 2025, which was posted for orders, is hereby reopened and the delay in filing the additional documents is condoned. The said documents are received on file, subject to proof and relevancy.

11) In the result,

(i) I.A. No.5 of 2025 is allowed and the hearing in I.A. No.4 of 2025, which was posted for orders, is hereby reopened.

(ii) I.A. No.6 of 2025 is allowed and the delay in filing the additional documents is condoned. The said documents are received on file, subject to proof and relevancy.

(iii) No costs.

Directly dictated to the Steno-Typist and typed by her, then corrected and pronounced by me in open Court on this the 18th day of March 2026.

Principal District and Sessions Judge,
Virudhunagar District at
Srivilliputtur.

List of witnesses and Exhibits on both side:- NIL.

Principal District and Sessions Judge,
Virudhunagar District at
Srivilliputtur.

***Principal District Court
Srivilliputtur
I.A.No.5/2025 & I.A.No.6/2025
in
C.O.S.No. 40/2019
Fair / Draft –
COMMON ORDER
18.03.2026***