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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15-04-2026

CORAM

THE HONOURABLE MR.JUSTICE SENTHILKUMAR RAMAMOORTHY

(T)OP(TM)/212, 213, 215, 216/2023
and Tr.C.S.No.103 of 2020
and C.S.No.158 of 2020
and A.No.1942 of 2020

(T)OP(TM)/212/2023:

Sri Narasus coffee company Private Limited
P.B. No. 701, 16, Court road, Johnsonpet, Hasthampatty (Post)
Salem 636 007 (Amended as per order by SKRJ dated 03/08/2023
in TM A No.7/2023) ... Petitioner

-VS-

Smt Mahalakshmi Ammal Charities, and another
Trading as Narasu's Spinning Mills
R.C.Chettypatty Post, Omalur Taluk
Salem District 636 455 and another ... Respondents

For Petitioner : Ms.S.Subashiny

For Respondents : Mr.M.S.Seshadri for R1
Mr.K.Subbu Ranga Bharathi, CGSC for R2

COMMON ORDER

(T)OP(TM)/212, 213 & 215/2023:

The petitioner has sought for removal of Trade Mark No.1496298 in



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Class 25, Trade Mark No.1496297 in Class 23 and Trade Mark No.1496299 in Class 24 from the Register of Trade marks in these three rectification petitions. After completion of pleadings, parties have submitted draft issues.

(2). Considering the pleadings, documents and draft issues, the following issues are framed:

1. *Whether the first respondent adopted the mark “Narasu’s” in the year 1990?*
2. *Whether the petitioner is estopped from claiming relief because its Managing Director, Mr.P.Sivanandam, was a partner of the first respondent from 1990 until his retirement on 01.04.2002?*
3. *Whether the first respondent was a division of the petitioner at the inception?*
4. *Whether the first respondent has established that the petitioner is not entitled to relief on grounds of delay, laches, or acquiescence?*
5. *Whether the use of the name “Narasu’s” with or without the device of a lady sipping coffee from a cup held in her hand violates statutory and common law rights of the petitioner?*
6. *Whether the first respondent has established entitlement to protection*



as an honest and concurrent user of the impugned marks?

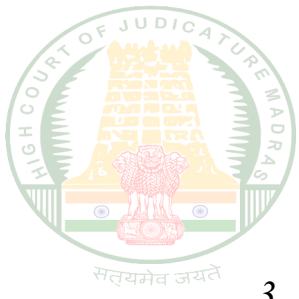
7. *Whether the use of the impugned marks is likely to cause deception or confusion in the minds of the public?*
8. *Whether the first respondent is applying the impugned marks in relation to similar products / goods?*
9. *Whether the impugned marks are remaining on the register without sufficient cause?*
10. *Whether the petitioner is entitled to the reliefs claimed?*
11. *Whether the parties are entitled to any other relief?*

2. (T)OP(TM)/216/2023:

The petition was filed for removal of the entry relating to Trade Mark No.1625538 in Class 29 from the register of trade marks. Upon completion of pleadings, parties submitted draft issues.

(2). Taking into consideration pleadings, documents and draft issues, the following issues are framed:

1. *Whether the petitioner is the prior user of the mark NARASUS in relation to dairy products?*
2. *Whether the first respondent has established that the petitioner is not*



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entitled to relief on the ground of acquiescence?

3. *Whether the use of the name NARASUS with the device of a lady sipping coffee from a cup held in her hand by the first respondent violates the statutory and common law rights of the petitioner?*
4. *Whether the alleged assignment of Trade Mark No.1625538 in Class 29 in favour of the third respondent is valid?*
5. *Whether the use of the impugned mark is likely to cause deception or confusion in the minds of the public?*
6. *Whether the petitioner is entitled to the relief claimed?*
7. *Whether the parties are entitled to any other relief?*

3. Parties are directed to agree upon and submit a common proposed schedule for recording evidence. List the matter on 29.04.2026.

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