

BEFORE THE ADDITIONAL MASTER IV,
HIGH COURT, MADRAS
OP (TM).No. 36 & 41 OF 2024

Date: 17.09.2025
Time : 12.13 P.M.

Name : Ashtavaidyan Dr. E.T. Ravi Mooss (PW2)

Cross examination by Mr. W.M. Abdul Azeez, Counsel for the 1st respondent.

Solemnly affirmed:

Q1: You have stated in your proof affidavit that you are the paternal uncle of the petitioners, is it correct?

A: Yes.

Q2: Have you filed any documents to show that you are the paternal uncle of the petitioners?

A: No.

Q3: Have you filed any documents to prove your personal details as stated in your proof affidavit?

A: Not filed, but I have brought it with me.

Q4: Please see your proof affidavit, whether this proof affidavit has been made ready by the petitioner's advocate?

A: Yes, but I only initiated and provided all the datas to prepare the proof affidavit.

Q5: Have you filed those datas produced by you to the petitioner's advocate before this Hon'ble Court?

A: I have given only oral submissions.

Q6: Are you an ashtavaidyan?

A: Yes.

Q7: How do you claim yourself as an ashtavaidyan?

A: Because I was born in the family, I studied and practice ayurveda.

Q8: How do you claim that you belonged to the family of Thaikattu Mooss?

A: I have proof that I am the son of E.T. Divakaran Mooss.

Q9: Have you filed any such proof before this Hon'ble Court?

A: No. But I have brought it with me.

Q10: Have you filed any documents to show that you belonged to the family of Thaikattu Mooss?

A: No. But I have brought it with me.

Q11: Have you filed any documents before this Hon'ble Court to prove the contents of your proof affidavit?

A: No. I have not filed any documents.

Q12: Then the averments in your proof affidavit are not based on any documents or proof, is it correct?

A: Yes.

Q13: Then, how do you prove the contents of your proof affidavit?

A: The petitioner has already filed the documents.

Q14: Whether the averments in your proof affidavit has been mentioned in the documents filed by the petitioners?

A: Yes. It must be.

Q15: Can you pin point in any of the document filed by the petitioners?

A: Names of the ashtavaidyas, different branches of ayurveda and the genealogy tree.

Q16: Are you a manufacturer of ayurvedic medicines?

A: No.

Q17: Then, how did you relate yourself with ayurveda?

A: I am running an ayurveda hospital and treating patients but buying medicines from Vaidyaratnam group and other groups.

Q18: Have you registered any mark with the trademark registry in the name of "Ashtavaidya"?

A: No.

Q19: (Proof affidavit is shown to the witness.) Please see para 13 of your proof affidavit, how do you say that a non-member of Thaikkattu Mooss family cannot use the mark “Ashtavaidya”?

A: Since they have not born in the family of Thaikkattu Mooss, they cannot claim the mark “Ashtavaidya”.

Q20: Have you filed any proof to that effect?

A: No.

Q21: Have you filed any objection to the usage of mark Ashtavaidya by the 1st respondent before the trademark registry?

A: No.

Q22: How do you say that the 1st respondent is falsely misrepresenting to the public that the goods and services dealt by the 1st respondent are connected to the petitioners?

A: Because they have not born in our family and they have not studied ayurveda as the way we studied and practised the rituals and customs.

Q23: Have you filed any documents to prove that the public is mislead into believing that the 1st respondent is one among the Ashtavaidya families?

A: No.

Q24: What documents have you filed to prove that the trademark “Ashtavaidya” used by the 1st respondent is deceiving and causing confusion to the public?

A: I have not filed.

Q25: I put it to you that the averments in your proof affidavit are self created and has no evidentiary value for the same.

A: I deny.

Q26: I put it to you that in order to support the petitioners, you are giving a false evidence before this Hon'ble Court.

A: I deny.

Re-Examination : Nil.

Time: 12.38 P.M.

Taken down in open Court, read over and explained to the witness and the same is admitted by the witness to be true and correct and signed before me.

ADDITIONAL MASTER-IV