

BEFORE THE ADDITIONAL MASTER-IV
HIGH COURT, MADRAS.

OP(TM).No. 36 & 41 OF 2024

Date: 08.06.2026

Time: 03.18 P.M.

Name : Mr. A.V. Sankaran Namboothiri (PW1)

Age : 60 Years

Father's Name : Mr. Vishnu Namboothri

Office Address : M/s. Ashtavaidya Herbal Pharma, EP VIII/251,
252, Ettumanoor, Kottayam, Kerala,
Pin – 686 631.

Chief Examination by M/s. , Learned counsel for the Plaintiff.

Solemnly Affirmed:

I am the 1st respondent herein. I am well acquainted with the facts of this case. I am filing my proof affidavit, after the contents read over and explained to me in Malayalam and the same may be treated as part and parcel of my chief examination. The following documents are marked as exhibits.

Ex.R1 is the printout of the order passed by the 2nd respondent dated 17.08.2017.

Ex.R2 is the printout of the affidavit filed by the father of the 2nd petitioner before the 2nd respondent dated 30.01.2021.

Ex.R3 is the printout of the application filed by the petitioner's company for registration of Trade mark for the second time after abandonment of earlier application dated 20.02.2021.

Ex.R4 is the printout of the publication of the same Trade Mark in Journal No.1991 in Class – 05 dated 15.03.2021.

Ex.R5 is the printout of the application filed by the petitioner's company for rectification dated 02.04.2021.

Ex.R6 is the printout of the e-register – main page of TM Application No.2428940 dated 10.10.2024.

Ex.R7 is the printout of the e-register – main page of TM Application No.4373072 dated 10.10.2024.

Ex.R8 is the printout of the e-register – main page of TM Application No.1700244 dated 10.10.2024.

Ex.R9 is the printout of the e-register – main page of TM Application No.4190562 dated 16.09.2024.

Ex.R10 is the printout of the computer generated TM-Search Report in Class-05 dated 16.09.2024.

Ex.R11 is the printout of the computer generated TM-Search Report in Class-03 dated 16.09.2024.

Ex.R12 is the original product packing of the 1st respondent.

Ex.R13 is the printout of the product packing of the petitioner.

Ex.R14 is the printout of the registered trademark logo of the 1st respondent company.

Ex.R15 is the printout of the logo of the petitioner's company.

Ex.R16 is the original certificate of registration issued by Additional Sales Tax Officer under the Kerala General Sales Tax Rules, 1963 dated 25.06.1998.

Ex.R17 is the original certificate of registration issued by Additional Sales Tax Officer Ettamanur under the Kerala Central Sales Tax dated 25.06.1998.

Ex.R18 is the original certificate of Registration given by Trade mark Registry dated 26.11.2002.

Ex.R19 is the original certificate of Renewal of Licence to manufacture for sale of Ayurvedic / Siddha / or Unani Drugs dated 12.01.2004.

Ex.R20 is the original certificate of Authorisation dated 27.07.2004.

Ex.R21 is the original details of advertisements given in local Mathrubhumi Illustrated Weekly Publications from 2005.

Ex.R22 is the original certificate of Renewal of Licence to manufacture for sale of Ayurvedic / Siddha / or Unani Drugs along with list of drugs and along with translation dated 12.05.2005.

Ex.R23 is the original tax invoice No.662 given by 1st respondent dated 11.12.2006.

Ex.R24 is the original tax invoice No.666 given by 1st respondent dated 12.12.2006.

Ex.R25 is the original certificate of registration issued by department of commercial taxes dated 01.04.2007.

Ex.R26 is the original certificate of registration issued by Trademarks Registry dated 18.06.2008.

Ex.R27 is the original acknowledgment issued by Department of industries in Government of Kerala dated 17.11.2008.

Ex.R28 is the original computer generated invoices of 1st respondent from 13.04.2010 to 21.04.2024.

Ex.R29 is the original tax invoice No.240 received by the 1st respondent dated 21.10.2010.

Ex.R30 is the original tax invoice No.2504 received by the 1st respondent along with translation dated 11.11.2010.

Ex.R31 is the original tax invoice No.255 received by the 1st respondent along with translation dated 12.08.2011.

Ex.R32 is the original tax invoice No.83 received by the 1st respondent dated 10.09.2011.

Ex.R33 is the original balance sheet as on 31st March, 2011 of 1st respondent dated 24.09.2011.

Ex.R34 is the original tax invoice No.190 received by the 1st respondent dated 03.03.2012.

Ex.R35 is the original tax invoice No.1314 received by the 1st respondent dated 16.03.2012.

Ex.R36 is the original balance sheet as on 31st March, 2012 of 1st respondent dated 24.09.2012.

Ex.R37 is the original certificate of Registration issued by Trademarks Registry dated 29.05.2019.

Ex.R38 is the original licence to manufacture for sale of ayurvedic (including Siddha) or Unani Drugs dated 18.06.2021.

(The counsel for the petitioner raised his objection for the following documents as follows : Ex.R1 to Ex.R11 are online copies of the document which

are not accompanied with the latest 63(4)(C) certificates, for which the respondent counsel has explained that the said documents were filed prior to the amendment.)

Certificate under section 65B of Indian Evidence Act is filed for Exs.R1 to R11.

Time : 11.00 A.M.

Taken down in open Court, in the presence of Malayalam Advocate Commissioner as translator read over and explained to the witness in Malayalam and the same is admitted by the witness to be correct and signed before me.

ADDITIONAL MASTER-IV