

BEFORE THE ADDITIONAL MASTER-IV
HIGH COURT, MADRAS.

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

Date: 11.06.2026

Time: 12.43 P.M.

Name : Mr. A.V. Sankaran Namboothiri (RW1)

Cross examination by Mr. Jaison S. Rozario for M/s. Shivakumar and Suresh,
Counsel for the petitioner.

Solemnly Affirmed:

Q25: What type of medicines you are manufacturing in your firm Ashtavaidya Herbal Pharma?

A: Classical and proprietary medicines.

Q26: (Ex.R16 is shown to the witness.) What type of ayurvedic medicine is this?

A: Murivenna, Rasnathi Choornam, Elaneer Kuzhambu, Thaleesapathradi Choornam all are classical medicines.

Q27: What is the difference between proprietary and classical medicine?

A: I am fully aware about the difference between classical and proprietary medicines. Traditionally mentioned in the books are called as classical medicines. Based on the ingredients mentioned in the books and further research and develop by adding additional ingredients and methods with the assistance of ayurvedic doctors are called as proprietary medicines.

Q28: Can you name some proprietary medicines manufactured by you?

A: Yes. Jothish Brahmi and Njarambenna.

Q29: Have you produced any documents to show that you are manufacturing and selling proprietary medicines under your trademark?

A: Yes.

Q30: Can you show me the document you have produced?

A: Exs.R23 & R26 was perused by the witness. The license for manufacturing the following drugs are stated herein. In Ex.R26 in page No.1 (list of drugs) shows the proprietary medicines. In page No.8, it shows Jothish Brahmi medicine, in page No.2 - Kavya Hair Oil, in page No.1 - Vedhana Samhari Njarambenna, in page No.4 - Vasika Cough Syrup, in page No.5 - Vasika Bashpam, in page No.6 – Jothish Brahmi Syrup, in page No.7 – Aloelin, in page No.18 – Gents – ex Aswagandha, in page No.17 – Bana-vita, in page No.20 – Arow-rt powder, in page No.21 – Kavya face pack, in page No.22 – Mehasol.

Q31: In Ex.R26, where it is mentioned that the license is given for manufacturing proprietary medicines?

A: Ex.R26 is the license given for manufacturing both proprietary and classical medicines.

Q32: In Ex.R26, where it is specifically mentioned that the list attached herewith are for proprietary or classical medicines?

A: It is not specifically mentioned anywhere in Ex.R26.

Q33: (Ex.R23 is shown to the witness.) In Ex.R23, it is stated that list of drugs attached separately, can you show me the list of drugs attached along with Ex.R23?

A: There is no list attached with this document.

Q34: I put it to you that Ex.R23 does not contain list of drugs as stated in the document forming part of the document and hence it is a incomplete document and cannot be relied upon.

A: I deny.

Time: 01.41 P.M.

Time: 03.20 P.M.

Q35: When did you obtain your first license to manufacture for sale of Ayurvedic / Siddha / Unani drugs?

A: In 1998.

Q36: Have you filed the first license ie., license No.1/25D/98 before this Hon'ble Court?

A: Yes, I have filed.

Q37: I put it to you that you have not filed your first licence ie., licence No. 1/25D/98 obtained in the year 1998 before this Hon'ble Court.

A: No. I have filed.

Q38: Can you refer the exhibit and point out the license No. 1/25D/98 you obtained in the year 1998?

A: I have not filed. But renewal licence has been filed.

Q39: Is it correct to state that you are manufacturing and selling your products based on license No. 1/25D/98 issued in the year 1998?

A: Yes.

Q40: (Ex.R23 is shown to the witness.) When was Ex.R23 issued?

A: On 12.01.2004 I was issued with the renewed license.

Q41: (Ex.R23 is shown to the witness.) Please tell the period for which Ex.R23 license was issued?

A: From 01.01.2002 to 31.12.2003.

Q42: Is it correct to state that Ex.R23 was issued after the expiry on 31.12.2003?

A: No. Because, before expiry of the license we regularly used to apply for the renewal and pay the fees. We may obtain the renewed license subsequently after expiry of the license period.

Q43: I put it to you that as per Ex.R23 after the expiry of Ex.R23 on 31.12.2003 you were illegally manufacturing and selling your products upto 12.01.2004.

A: I deny.

Q44: Have you produced any document before this Hon'ble Court to show that you

have been regularly applying for renewal and paying the appropriate fees for the renewal of the said license?

A: I have not filed.

Q45: (Ex.R26 is shown to the witness.) When it was issued to you?

A: On 12.05.2005.

Q46: Upto what period was Ex.R26 issued to you?

A: From 01.01.2004 to 31.12.2005.

Q47: (Ex.R26 is shown to the witness.) You are still manufacturing and selling your products based on Ex.R26, is it correct?

A: On based on the license No.1/25D/98 dated 03.01.1998, I am still manufacturing and selling the products.

Q48: Can you point out before this Hon'ble Court as to what period was the license No. 1/25D/98 dated 03.01.1998 issued upto?

A: From 1998 to 2026.

Q49: Have you produced any documents to show that your license dated 03.01.1998 is valid upto 2026?

A: No. I have not produced. But till now, my license is valid.

Q50: (Ex.R26 is shown to the witness.) I put it to you that Ex.R26 license was already expired on 31.12.2008.

A: I deny.

Q51: Have you produced any document to show that even after 31.12.2008 you hold a valid license to manufacture for sale of Ayurvedic / Siddha /Unani drugs?

A: I have not produced.

Q52: I put it to you that you have not submitted any documents to show the right to continuous manufacturing and sale of your ayurvedic products through a valid license from the year 1998 till now and you are illegally manufacturing and selling ayurvedic products and that a part you are illegally manufacturing and selling under the trade name Ashtavaidya Herbal Pharma.

A: I deny.

Q53: I put it to you that the medicines manufactured based on Ashtavaidya tradition by the petitioner's family are classified as proprietary medicine.

A: I do not know.

Q54: Is it correct to state that the formulations of the ayurvedic medicines which are not mentioned in schedule 1 of the Drugs and Cosmetics Act 1940 are considered as proprietary medicine.

A: I am not aware of the Drugs and Cosmetics Act. But I handled with the expert team to do the formula.

Q55: In para 12 of your proof affidavit, you have stated that “Ashtavaidya Herbal Pharma as got qualified professionals in Ayurveda medicines and with their help and support, I have been able to manufacture several ayurvedic products.” Have you produced any documents to substantiate that you have qualified professionals in Ashtavaidya Herbal Pharma?

A: The name of the doctor Dr. Rajendran Pillai has been mentioned in Exs.R23 & R26.

Q56: Is Dr. A. Rajendran Pillai still your technical staff?

A: No.

Q57: Can you mention the experts and the qualified professionals currently aiding you to manufacture ayurvedic products in Ashtavaidya Herbal Pharma?

A: Dr. Manju Gopal, B.A.M.S., is the technical staff currently working under my pharma.

Q58: Have you produced any document to show that Dr. Manju Gopal is your current technical staff

A: No. I have not produced.

Q59: Have you produced the Goods manufacturing practice (GMP) license before this Hon'ble Court?

A: No. I have not produced. But I have the license.

Q60: I put it to you that you do not have any GMP license and without the same you are illegally manufacturing and selling the ayurvedic products.

A: I deny.

Q61: Your firm manufactures and sells ayurvedic products under the name Ashtavaidya Herbal Pharma, is it correct?

A: Yes.

Q62: I put it to you that you have not produced any documents before the registrar of trademark to show that you have been using the mark Ashtavaidya from 1998 onwards as per your trademark application.

A: I deny. I have submitted relevant documents.

Q63: Have you filed any documents before this Hon'ble Court to show that you have been using the mark Ashtavaidya from 1998 onwards?

A: I have produced Exs.R13, R20, R21, R31 & R42.

Time : 04.33 P.M.

Taken down in open Court, with the assistance 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