

BEFORE THE ADDITIONAL MASTER-IV
HIGH COURT, MADRAS.

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

Date: 18.06.2026

Time: 12.27 P.M.

Name : Mr.P.V.Chandrasekaran (RW2)

Age : 58 Years

Father's Name : Mr.Kunhikelu Nair

Office Address : M/s.Akshaya Distributors, Main Bazaar, Nileshtar,
Kasargod, Kerala, PIN 671 314.

Chief Examination by M/s.Reetha, Learned counsel for the 1st Respondent.

Solemnly Affirmed:

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.

Cross Examination by M/s.K.Balamurali, Learned counsel for the petitioner.

Q1: Are you aware of the facts of this case?

A: Yes.

Q2: Can you tell for what purpose this case was filed?

A: Yes. It is a trademark issue filed against Ashtavaidyan Pharma company by Vaidhyarathna Oushada Shala.

Q3: What is your educational qualification?

A: Graduate in History.

Q4: Are you a qualified Ayurvedic practitioner or physician?

A: No. I am only a distributor.

Q5: Can you understand English?

A: Yes, to certain extent I can understand.

Q6: Is your firm Akshaya Distributors the exclusive distributor for the 1st respondent in Kasargod and Kannur District, Kerala?

A: No. Witness adds: I am also distributor for other companies.

Q7: Are you also a distributor of the petitioner company?

A: No.

Q8: From which year onwards you are doing this business?

A: I started my distribution business from the year 2008.

Q9: Do you know the meaning of “Ashtavaidhya”?

A: I do not know.

Q10: Have you filed any document to show that you were the sole distributor of the 1st respondent before this Hon'ble Court?

A: No. Witness adds: I have.

Q11: What document do you possess to substantiate that you are the distributor?

A: I have only bills.

Q12: Witness is referred to Para 4 of the proof affidavit. You have stated 16 products of the 1st respondent. Whether these products are classical or traditional medicine?

A: It is general products.

Q13: I put it to you that most of the products you have mentioned in para 4 of the proof affidavit are not Ayurvedic medicines as stated by you and they are the dietary supplement for the infants and children. What do you say?

A: I deny, some are Ayurvedic medicines and cosmetics and only others are dietary supplements for infants and children.

Q14: Do you know about petitioner's product?

A: Yes, I have come across their products.

Q15: Do you know about the petitioner's family?

A: No.

Q16: I put it to you that petitioner's family is a renowned family known by the name “Vaidyarathinam” who had specialized in 8 fields of Ayurvedic medicines and they are only entitled to use the name Ashtavaidhya for the products.

A: I do not know, I am only a distributor.

Q17: Witness is referred to Para 5 of the proof affidavit, you have stated that “petitioners herein are promoting and selling their products under the name and style of “Ashtavaidhyan Thaikkattu Mooss Vaidyarathinam” and their products are popularly known as Vaidyarathinam among the general public”. Is this statement is correct?

A: Yes.

Q18: Witness is referred to Para 5, last four lines in page 3 of the proof affidavit. you have stated that even though I am not the distributor of the petitioner's products some of the customers used to ask for their Vaidyarathinam products and they would not purchase any other products except Vaidyarathinam product. Is it correct?

A: Yes.

Q19: Witness is referred to Para 5, last lines in page 4 of the proof affidavit. you have stated that “Therefore, there is no scope of passing off the 1st respondent's products as that of the products of the petitioners herein the same counter”. What do you mean by that?

A: There is no misrepresentation of both the products.

Q20: Who requested you to come and depose evidence?

A: 1st respondent requested me to depose evidence before this court.

Q21: I put it to you that since there is not evidence to prove that you are the distributor, due to your financial interest you have come down to support the 1st respondent's case who is known to you and who does not have a valid trademark to use name "Ashtavaidya".

A: I deny.

Q22: I put it to you that you are an interested witness, your evidence cannot be relied upon and has no relevance.

A: I deny.

Time : 01.35 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