

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

Date: 15.07.2025
Time : 11.54 A.M.

Name : Ashtavaidyan Dr. E.T. Yadu Narayanan Mooss (PW1)

Age : 35 Years

Father's Name : Ashtavaidyan E.T. Parameswaran Mooss

Residential Address : Eledathu Taikkattu Mana, Ollur,
Taikkattusery P.O., Thrissur, Pin – 680 306.

Chief Examination by Mr. K. Balamurali, Learned Counsel for the
petitioner.

Solemnly affirmed:

I am the 1st petitioner in both the petitions herein. I am filing my
proof affidavit on behalf of myself and on behalf of my brother
Ashtavaidyan Dr. E.T. Krishnan Mooss, the second petitioner stating the
facts of this case and the same may be treated as part of my evidence in
chief. The following documents are marked as exhibits:

Ex.P1 is the certified copy of the Certificate of Legal Proceedings of
trademark No.4190562 in class 3 of the Respondent No.1 dated
21.12.2023.

Ex.P2 is the printout of the duly certified printout of the article titled
'Glimpses of Keraleeya Ayurveda Samajam History' written by Mannath
S, published in Ancient Science of Life, Vol 38, Issue 2, October-
December 2018 along with certificate under Section 63(4)(c) of BSA
Act. (The counsel for the 1st respondent objects on the ground that 63(4)

certificate is without an expert opinion as per the BSA Act, 2023. The counsel for the petitioner replied that the expert opinion certificate has not come into effect since the committee has not given the approval for the same.)

Ex.P3 is the duly certified printout of the article titled ‘Chikitsamanjari -A Unique Encyclopedia of Keraliya Ayurveda’ written by Vishnu Sreenivas published in Ayushdhara, An International Journal of Research in Ayush and Allied Systems, ISSN: 2393-9583(P)/2393-9591(O), September-October 2023, Vol 10, along with certificate under Section 63(4)(c) of BSA Act. (The counsel for the 1st respondent objects on the ground that 63(4) certificate is without an expert opinion as per the BSA Act, 2023. The counsel for the petitioner replied that the expert opinion certificate has not come into effect since the committee has not given the approval for the same.).

Ex.P4 is the original book of ‘Aithihyamaala The Great Legends of Kerala’ with Malayalam version ‘Kottarathil Sankunni’ translated by Sreekumari Ramachandran Vol-2, published by Mathrubhoomi Books in the year 2010 dated 14.12.2023. (The counsel for the 1st respondent objects on the ground that it is not the original (1st copy) and the witness is not the author or creator of the original book.)

Ex.P5 is the original book of the General Prospectus, Rules & Regulations, List of Members, Extracts from Government Inspection Notes and Testimonials, with View of some Wards, Scenery etc., of the ‘Keraleeya Ayurveda Samajam Hospital & Sanatorium’, Shoranur, printed at the Literary Sun Press, Coimbatore in the year 1936 dated 14.12.2023. (The counsel for the 1st respondent objects on the ground that it is not the original (1st copy) and

the witness is not the author or creator of the original book.)

Ex.P6 is the printout of the chapter 4 titled ‘Ashtavaidyas of Kerala: A Sociological and Cultural Overview’ from the Article titled ‘Religious beliefs and medical practices: a sociological study of ashtavaidyas of Kerala’ downloaded from the website having URL

<https://shodhganga.inflibnet.ac.in/handle/10603/14439> along with certificate under Section 63(4)(c) of BSA Act. (The counsel for the 1st respondent objects on the ground that 63(4) certificate is without an expert opinion as per the BSA Act, 2023. The counsel for the petitioner replied that the expert opinion certificate has not come into effect since the committee has not given the approval for the same.).

Ex.P7 is the printout of the article titled ‘The Ashtavaidya Medical Tradition of Kerala’ published in Current Science, Vol 99, No.4 on 25/08/2010, page no. 427 to 431 by VT Yadugiri downloaded from the website having URL

<https://www.currentscience.ac.in/Volumes/99/04/0427.pdf> along with certificate under Section 63(4)(c) of BSA Act. (The counsel for the 1st respondent objects on the ground that 63(4) certificate is without an expert opinion as per the BSA Act, 2023. The counsel for the petitioner replied that the expert opinion certificate has not come into effect since the committee has not given the approval for the same.).

Ex.P8 is the original book of ‘All India Ayurvedic Directory’ written by N S Mooss and published by the Vaidya Sarathy in the year 1938 and 1943-1945 dated 14.12.2023. (The counsel for the 1st respondent objects on the ground that it is not the original (1st copy) and the witness is not the author or creator of the original book.)

Ex.P9 is the printout of the article titled ‘Health and Healing: Retention of the Popularity of ashtavaidya Tradition during the Colonial Regime’ written by Maya Vinai, published in Rupkartha Journal on Interdisciplinary Studies in Humanities, ISSN 0975-2935, Vol.13, No.2, April-June 2021, Page No.1-12 downloaded from the website having URL <http://rupkatha.com/V13/n2/v13n206.pdf> along with certificate under Section 63(4)(c) of BSA Act. (The counsel for the 1st respondent objects on the ground that 63(4) certificate is without an expert opinion as per the BSA Act, 2023. The counsel for the petitioner replied that the expert opinion certificate has not come into effect since the committee has not given the approval for the same.).

Ex.P10 is the original book titled Ashtavaidyan E.T Neelakandhan Mooss Sathabhishekam-1988 printed and published by Sathabhisheka Celebration Committee, where prominent people has sent wishes to Ashtavaidyan Eledathu Thaikkattu Neelakandan Mooss (Kuttan Mooss), for his Sashabhisheka celebration dated 14.12.2023. (The counsel for the 1st respondent objects on the ground that it is not the original (1st copy) and the witness is not the author or creator of the original book.)

Ex.P11 is the printout of the article titled ‘The Ayurvedic Heritage of Kerala’ written by P R Variyar, published in Ancient Science of Life , Vol. V, Issue No.1, July 1985, Pages 54-64 downloaded from the website having URL https://journals.lww.com/asol/abstract/1985/05010/the_ayurvedic_heritage_of_kerala.12.aspx along with certificate under Section 63(4)(c) of BSA Act. (The counsel for the 1st respondent objects on the ground that 63(4) certificate is without an expert opinion as per the BSA Act, 2023. The counsel for the petitioner replied that the expert opinion certificate has

not come into effect since the committee has not given the approval for the same.)

Ex.P12 is the printout of the article titled ‘The Ashtavaidya Physicians of Kerala: A Tradition in Transition’ written by Indudharam Menon and Annamma Spudich, published in Journal of Ayurveda & Integrative Medicine, Vol.1, Issue 4, October 2010 downloaded from the website having

URL

<https://www.ncbi.nlm.nih.gov/pmc/articles/PMC3117315/pdf/JA> IM-1-245.pdf along with certificate under Section 63(4)(c) of BSA Act. (The counsel for the 1st respondent objects on the ground that 63(4) certificate is without an expert opinion as per the BSA Act, 2023. The counsel for the petitioner replied that the expert opinion certificate has not come into effect since the committee has not given the approval for the same.).

Ex.P13 is the original book titled ‘Hereditary Physicians of Kerala: Traditional Medicine and Ayurveda in Modern India’ written by Indudharan Menon, published by Routledge, in the year 2019 dated 14.12.2023. (The counsel for the 1st respondent objects on the ground that it is not the original (1st copy) and the witness is not the author or creator of the original book.)

Ex.P14 is the photocopy of the notification No. G.O. (Ms) 121/86/H&FWD dated 22.07.1986. (The counsel for the 1st respondent objects on the ground that it is a photocopy and not the original.)

Ex.P15 is the photocopy of the notification No. G.O.M.S. 35/92/H&FWD dated 21.04.1992. (The counsel for the 1st respondent objects on the ground that it is a photocopy and not the original.)

Ex.P16 is the original Documentary on Padma Bhushan Ashtavaidyan ET Narayan Mooss - Reminiscing a Legend recorded on CD dated 18.01.2024.

Ex.P17 is the printout of the website of Vaidyaratnam Oushadhasala Pvt. Ltd., run by the Petitioners having URL <https://vaidyaratnammooss.com> along with certificate under Section 63(4)(c) of BSA Act. (The counsel for the 1st respondent objects on the ground that 63(4) certificate is without an expert opinion as per the BSA Act, 2023. The counsel for the petitioner replied that the expert opinion certificate has not come into effect since the committee has not given the approval for the same.)

Ex.P18 is the printout of the website of Vaidyaratnam Ayurveda College run by the Petitioners having URL <https://www.vaidyaratnamcollege.org/>. (Printout taken from the website having URL <https://www.vaidyaratnamcollege.org/>) along with certificate under Section 63(4)(c) of BSA Act. (The counsel for the 1st respondent objects on the ground that 63(4) certificate is without an expert opinion as per the BSA Act, 2023. The counsel for the petitioner replied that the expert opinion certificate has not come into effect since the committee has not given the approval for the same.).

Ex.P19 is the printout of the social media pages managed by the Petitioners. (Printout taken from Facebook, Instagram and Youtube) along with certificate under Section 63(4)(c) of BSA Act. (The counsel for the 1st respondent objects on the ground that 63(4) certificate is without an expert opinion as per the BSA Act, 2023. The counsel for the petitioner replied that the expert opinion certificate has not come into effect since the committee has not given the approval for the same.)

Ex.P20 is the printout of the online store of the Petitioners' company. (Printout taken from the website having URL <https://shop.vaidyaratnammooss.com/>) along with certificate under Section 63(4)(c) of BSA Act. (The counsel for the 1st respondent objects on the ground that 63(4) certificate is without an expert opinion as per the BSA Act, 2023. The counsel for the petitioner replied that the expert opinion certificate has not come into effect since the committee has not given the approval for the same.)

Ex.P21 is the printout of the listing of the products of the Petitioners' company displayed in various online market places along with certificate under Section 63(4)(c) of BSA Act. (The counsel for the 1st respondent objects on the ground that 63(4) certificate is without an expert opinion as per the BSA Act, 2023. The counsel for the petitioner replied that the expert opinion certificate has not come into effect since the committee has not given the approval for the same.)

Ex.P22 is the printout of the trademark application of the Petitioners under Application No. 2428940 in class 3 and 5 along with certificate under Section 63(4)(c) of BSA Act. (The counsel for the 1st respondent objects on the ground that 63(4) certificate is without an expert opinion as per the BSA Act, 2023. The counsel for the petitioner replied that the expert opinion certificate has not come into effect since the committee has not given the approval for the same.)

Ex.P23 is the printout of the Trademark Journal Advertisement No. 1769 dated 31.10.2016 along with certificate under Section 63(4)(c) of BSA Act. (The counsel for the 1st respondent objects on the ground that 63(4) certificate is without an expert opinion as per the BSA Act, 2023. The counsel for the petitioner replied that the expert opinion certificate has

not come into effect since the committee has not given the approval for the same.)

Ex.P24 is the printout of the Opposition No. 879004 filed by the 1st respondent No. 1 against Application No. 2428940 of the Petitioners along with certificate under Section 63(4)(c) of BSA Act. (The counsel for the 1st respondent objects on the ground that 63(4) certificate is without an expert opinion as per the BSA Act, 2023. The counsel for the petitioner replied that the expert opinion certificate has not come into effect since the committee has not given the approval for the same.).

Ex.P25 is the printout of the Opposition Notice issued by the Trade Mark Registry in Opposition No. 879004 against Application No. 2428940 along with certificate under Section 63(4)(c) of BSA Act. (The counsel for the 1st respondent objects on the ground that 63(4) certificate is without an expert opinion as per the BSA Act, 2023. The counsel for the petitioner replied that the expert opinion certificate has not come into effect since the committee has not given the approval for the same.).

Ex.P26 is the printout of the order dated 17.08.2017 of the Trade Mark Registry along with certificate under Section 63(4)(c) of BSA Act. (The counsel for the 1st respondent objects on the ground that 63(4) certificate is without an expert opinion as per the BSA Act, 2023. The counsel for the petitioner replied that the expert opinion certificate has not come into effect since the committee has not given the approval for the same.).

Ex.P27 is the printout of the website of the 1st 1st respondent under the URL <https://ashtavaidya.com> along with certificate under Section 63(4)(c) of BSA Act. (The counsel for the 1st respondent objects on the ground that 63(4) certificate is without an expert opinion as per the BSA Act, 2023. The counsel for the petitioner replied that the expert opinion

certificate has not come into effect since the committee has not given the approval for the same.).

Ex.P28 is the printout of the products of the 1st respondent displayed for sale on various online market places along with certificate under Section 63(4)(c) of BSA Act. (The counsel for the 1st respondent objects on the ground that 63(4) certificate is without an expert opinion as per the BSA Act, 2023. The counsel for the petitioner replied that the expert opinion certificate has not come into effect since the committee has not given the approval for the same.).

Ex.P29 is the Office copy of the notice issued by the Petitioners to the 1st 1st respondent dated 01.07.2021.

Ex.P30 is the Office copy of the legal notice issued by the Advocate of the Petitioners dated 28.09.2021.

Ex.P31 is the printout of Google Search Page showing results of 'Ashtavaidya' along with certificate under Section 63(4)(c) of BSA Act. (The counsel for the 1st respondent objects on the ground that 63(4) certificate is without an expert opinion as per the BSA Act, 2023. The counsel for the petitioner replied that the expert opinion certificate has not come into effect since the committee has not given the approval for the same.).

Ex.P32 is the photocopy of the Letter dated 03.12.2004 issued by Deputy Director, Regional Office (Kerala), Employees State Insurance Corporation "Panchdeep Bhavan", North Swaraj Round, Post Bag No. 2, Thrissur – 20 to M/s Vaidyaratnam Oushadhasala, Company promoted by the Petitioners dated 03.12.2004. (Original is produced, compared and returned to the petitioner's counsel.)

Ex.P33 is the original License dated 09.12.1988 issued by Department of Factories and Boilers to Late Shri. Ashtavaidyan E.T Narayanan Moss (Jr.) dated 09.12.1988 along with English translation.

Ex.P34 is the original Magazine published in the year 1982 by Hindustan Prakashan Trust, printed at Jayabharatha Press under the title 'Kesari' for the year 1982. (The counsel for the 1st respondent objects on the ground that it is not the original (1st copy) and the witness is not the author or creator of the original magazine .)

Ex.P35 is the original Magazine published in the year 2010 by Public Section, Ministry of Home Affairs, New Delhi, under the title 'Padma Awards 2010' (The counsel for the 1st respondent objects on the ground that it is not the original (1st copy) and the witness is not the author or creator of the original magazine .)

Ex.P36 is the original book of the Trade & Industries Directory (Kerala edition 1985), published by Sales and Representations (P) Ltd., Trichur for the year 1985. (The counsel for the 1st respondent objects on the ground that it is not the original (1st copy) and the witness is not the author or creator of the original book.)

Ex.P37 is the original book of Pushpanjali – Ashtavaidyan Eledathu Thaikatt Neelakandhan Moose Shastipurthy Commemoration Volume, published by The Shashtipurthy Celebration Committee, Trichur District, Kerala and printed at the Mathrubhumi Press, Ernakulam, Kerala in the year 1964 along with English translation. (The counsel for the 1st respondent objects on the ground that it is not the original (1st copy) and the witness is not the author or creator of the original book .)

Ex.P38 is the original book of All India Ayurvedic Directory, published by Vaidya Sarathy, Kottayam, Kerala and printed at The Vaidya Sarathy Press, Kottayam for the period 1943-45. (The counsel for the 1st respondent objects on the ground that it is not the original (1st copy) and the witness is not the author or creator of the original book.)

Ex.P39 is the Photocopy of the front page and preface page of magazine published in the year 1979 by Peruvanam Mahadevakshethram under the title 'Naveekarana Kalashobaharam'. (The counsel for the 1st respondent objects on the ground that it is a photocopy and filed without English translation.)

Ex.P40 is the certified copy of the Certificate of Legal Proceedings of trademark No.1700244 in class 5 of the 1st respondent dated 21.12.2023.

(The counsel for the petitioner states that the 1st respondent had admitted Doc.No.22, 23, 24, 25, 26 in the Admission and denial of documents.)

Time: 12.59 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