

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

Date: 29.07.2025
Time : 12.41 P.M.

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

Continuation of cross examination by Mr. W.M. Abdul Azeez, Counsel
for the 1st respondent.

Solemnly affirmed:

Q70: You have stated in your proof affidavit that you came to know about the abandonment of your application only on 01.07.2021, have you filed any proof about the knowledge only on that day?

A: No.

Q71: In your proof affidavit you have stated that you have issued notice to the 1st respondent on 01.07.2021, have you filed any proof with regard to that?

A: Ex.P29.

Q72: Have you filed any proof that the said notice was served to the 1st respondent?

A: No. It was sent on that day.

Q73: Please see Ex.P30, you have claimed that you have sent a legal notice to the 1st respondent, have you filed any proof to that effect whether it is served to the 1st respondent?

A: No. The notice was sent on 28.09.2021.

Q74: Have you filed any documents to establish that the products of the 1st respondent are inferior in quality?

A: No.

Q75: Have you filed any documents to prove that “Ashtavaidya” is a title bestowed only to your family as claimed by you?

A: No. It is used by all Ashtavaidya families.

Q76: (A product is shown to the witness.) Is this your product?

A: Yes. The petitioner's product namely "Thaleesapathradi Choornam" is marked as Ex.R1.

Q77: (A product is shown to the witness.) Is this also your product?

A: Yes. The petitioner's product namely "Rasnadi Choornam" is marked as Ex.R2.

Q78: (A product is shown to the witness.) Is this also your product?

A: Yes. The petitioner's product namely "Murivenna" is marked as Ex.R3.

Q79: (A product is shown to the witness.) Is this also your product?

A: Yes. The petitioner's product namely "Elaneer Kuzhambu" is marked as Ex.R4.

Q80: (Ex.R1 is shown to the witness.) Please tell me, what is the secret mix of medicinal preparations passed on from your forefathers which makes your products special and distinct from others?

A: Ex.R1 product is a classical product with reference from text books, selection of raw materials is the speciality.

Q81: What are those raw materials?

A: Piper Longum, we procure the best quality available in market to ensure the quality.

Q82: Whether this is an ayurvedic medicine?

A: Yes.

Q83: Can you tell me about the best quality which you have just now answered in Q.No.81?

A: It is based on subjective and objective parameters that we decide the superiority.

Q84: What have you stated above are all written script, is it correct?

A: It is a SOP that our quality department follows.

Q85: (Ex.R2 is shown to the witness.) Please tell me, what is the secret mix of medicinal preparations passed on from your forefathers which makes your products special and distinct from others?

A: Ex.R2 product is a classical product with reference from text books, selection of raw materials is the speciality.

Q86: What are those raw materials?

A: Piper Longum, we procure the best quality available in market to ensure the quality.

Q87: Whether this is an ayurvedic medicine?

A: Yes.

Q88: Can you tell me about the best quality which you have just now answered?

A: It is based on subjective and objective parameters that we decide the superiority.

Q89: What have you stated above are all written script, is it correct?

A: It is a SOP that our quality department follows.

Q90: (Ex.R3 is shown to the witness.) Please tell me, what is the secret mix of medicinal preparations passed on from your forefathers which makes your products special and distinct from others?

A: The process of manufacturing of Murivenna, Ex.R3 is unique.

Q91: How do you say it is unique?

A: The contact time and juice extraction method is the difference.

Q92: Whether this is an ayurvedic medicine?

A: Yes.

Q93: What have you stated above are all written script, is it correct?

A: Yes. SOP that our production department follows.

Q94: (Ex.R4 is shown to the witness.) Please tell me, what is the secret mix of medicinal preparations passed on from your forefathers which makes your products special and distinct from others?

A: This is a classical product. There is no specific distinction.

Q95: Whether this is an ayurvedic medicine?

A: Yes.

Q96: What have you stated above are all written script, is it correct?

A: Yes. SOP that our production department follows.

Q97: Exs.R1 to R4 shown to you contains ayurvedic medicines which are retrieved from written scripts, is it correct?

A: These products have reference in text books like Ashtangahrudaya and Sahasrayoga.

Q98: Are these text books in written script?

A: Yes.

Q99: Anyone who has studied these written scripts can manufacture the above said products?

A: Yes. The above mentioned speciality may be the differentiation.

Q100: I put it to you that there is no link between you and the term “Ashtavaidya” except to find a cause for filing the present case.

A: I deny.

Time: 01.13 P.M.

Time: 03.04 P.M.

Q101: (Ex.P2 is shown to the witness.) The author of this document is one Ms. Sandhya Mannath, is it correct?

A: Yes.

Q102: Whether you personally know the author of Ex.P2?

A: I know her institution but not her personally.

Q103: How do you get this article?

A: It is published in Ancient Science of Life Journal available in online.

Q104: Have anyone suggested you to view this article?

A: We have an ayurveda museum where we are collecting old documents about the family during that time, I have read this.

Q105: So, you have collected this article from your museum?

A: Yes.

Q106: Have you filed any proof to show that you have collected this Ex.P2 from your museum?

A: No.

Q107: Will you bring the author of Ex.P2 as a witness before this Hon'ble Court?

A: No.

Q108: Have you personally verified the correctness of the contents of the article, Ex.P2?

A: I have personally verified matters relevant to our family.

Q109: Other than, the matters relevant to your family, have you not verified the other contents in this article, Ex.P2?

A: No. But I have cross checked the information mentioned in the article with Ex.P5.

Q110: Have you filed any proof that you have personally verified in matters relevant to your family mentioned in the article, Ex.P2?

A: No. Witness adds: Certificate is attached with Ex.P2.

Q111: I put it to you that it is your assumption that the contents in the article, Ex.P2 are found to be correct.

A: I deny.

Q112: Please see last page of the article, Ex.P2, it is mentioned that the article received on 01.12.2022, accepted on 31.01.2023 and published on 05.06.2023, is it correct?

A: Yes.

Q113: Then, how come the said article, Ex.P2 was published in Volume-38, issue No.2, October – December 2018?

A: I am not sure.

Q114: I put it to you that the contents in the article, Ex.P2 are not correct to its facts.

A: I deny.

Q115: When was your case filed before this Hon'ble Court?

A: OP(TM) 36 & 41/2024 filed on 18.06.2024.

Q116: The certificate along with Ex.P2 issued by you is under Section 63 (4) (c) of BSA, 2023, is it correct?

A: Yes.

Q117: The said act is came to force on 01.07.2024, do you know that?

A: No.

Q118: I put it to you that when the act itself came on 01.07.2024, the certificate filed under the said act would not be a correct certificate.

A: I deny.

Q119: When the act itself came into force on 01.07.2024, then you should have provided a certificate under Section 65B of the Indian Evidence Act, is it correct?

A: I do not know.

Q120: I put it to you that you have provided an invalid certificate before this Hon'ble Court.

A: I deny.

Q121: Then, you please tell me, how the certificate issued along with Ex.P2 is valid?

A: I do not know about the time line of the rule.

Q122: Whom do you want to refer in this article, Ex.P2?

A: Ashtavaidyan Vaidyaratnam Thaikkattu Narayanan Mooss, my great great grandfather.

Q123: How he is related to you?

A: He is my great great grandfather.

Q124: Have you filed any authenticated proof or documents to prove your relationship?

A: No. Witness adds: Ex.P13 mentions the family history.

Q125: Whether Ex.P13 discloses about the petitioners relationship with the Ashtavaidyan Vaidyaratnam Thaikkattu Narayanan Mooss?

A: No. My name is not mentioned. My father name is mentioned

Q126: Whether Ex.P13 is an authenticated document to prove your relationship with Ashtavaidyan Vaidyaratnam Thaikkat Narayanan Mooss?

A: No.

Q127: Please see Ex.P3, the author of this article, Ex.P3 is one Mr. Vishnu Srinivas, is it correct?

A: Yes, he is the 1st author. The 2nd author is T.K. Sujan.

Q128: Whether you personally know the author of Ex.P3?

A: No.

Q129: How do you get this article?

A: It is published in Ayushdhara journal which is a online portal of journals.

Q130: Have anyone suggested you to view this article?

A: We are doing a translation work on the book mentioned in this article.

Q131: Have you filed any documents to show that you are doing a translation work on the book mentioned in this article?

A: No. I can produce if require.

Q132: Will you bring the author of Ex.P3 as a witness before this Hon'ble Court?

A: No.

Q133: Have you personally verified the correctness of the contents of the article, Ex.P3?

A: I have personally verified matters relevant to the book and the family.

Q134: Other than, the matters relevant to the book and your family, have you not verified the other contents in this article, Ex.P3?

A: No.

Q135: I put it to you that it is your assumption that the contents in the article, Ex.P3 are found to be correct.

A: I deny.

Q136: Please see Ex.P3, this article was received on 19.09.2023, accepted on 12.10.2023 and published on 05.11.2023, is it correct?

A: Yes.

Q137: Then, how come the said article was published in September – October 2023 in Volume – 10, issue No.5?

A: This September – October 2023 edition was published in November 2023.

Q138: Where did you get this September – October 2023 edition was published in November 2023 in Ex.P3?

A: From the website of Ayushdhara only I got this details.

Q139: So, you cannot produce those details from Ex.P3?

A: The article information contains the publishing date.

Q140: This article says about the text book called Chikitsamanjari, is it correct?

A: Yes.

Q141: Please see Ex.P3, in the introduction portion, whether it was stated the book is believe to be composed between 16th and 18th centuries by an anonymous author?

A: Yes.

Q142: Please see the next page of Ex.P3, it was written that the author of the text is unknown, is it correct?

A: Yes.

Q143: The certificate along with Ex.P3 issued by you is under Section 63 (4) (c) of BSA, 2023, is it correct?

A: Yes.

Q144: The said act is came to force on 01.07.2024, do you know that?

A: No.

Q145: I put it to you that when the act itself came on 01.07.2024, the certificate filed under the said act would not be a correct certificate.

A: I deny.

Q146: When the act itself came into force on 01.07.2024, then you should have provided a certificate under Section 65B of the Indian Evidence Act, is it correct?

A: I do not know.

Q147: I put it to you that you have provided an invalid certificate before this Hon'ble Court.

A: I deny.

Q148: Then, you please tell me, how the certificate issued along with Ex.P3 is valid?

A: I do not know about the time line of the rule.

Q149: Whom do you want to refer in this article, Ex.P3?

A: Contributions of Ashtavaidyas.

Time: 03.58 P.M.

Time: 04.09 P.M.

Q150: Please see Ex.P4, Who is the author of the book, Ex.P4?

A: Kottarathil Sankunni.

Q151: Whether you personally know the author of this book, Ex.P4?

A: No.

Q152: How do you know about this book, Ex.P4?

A: It is a very famous book which I have read in childhood itself.

Q153: Have anyone suggested you to read this book, Ex.P4?

A: My grandmother.

Q154: Have you read the original version of this book, Ex.P4?

A: Yes.

Q155: Will you bring the author of Ex.P4 as a witness before this court?

A: No. He is not alive.

Q156: Have you produced any document that the author of this book is not alive?

A: The book mentions his time line of author. I am not sure about the original version of Ex.P4 whether his time line mentioned or not.

Q157: Have you verified the correctness of the contents of the book, Ex.P4?

A: I have not verified the correctness of the contents of original book.

Q158: Then, it is an assumption that the contents in Ex.P4 are to be correct.

A: I deny.

Q159: Whom do you want to refer in this Ex.P4, book?

A: About our family and members who were Ashtavaidyans.

Q160: Have you filed any authenticated proof of yours to show that the relationship of your family members called as Ashtavaidyans?

A: No. I can produce the family tree.

Q161: Please see Ex.P4, is it written in the book, Ex.P4 that there is no authentic record leading to the ancient history of Eledathu Thykkattu Moosse family?

A: Yes. Witness adds: Information about the life and activities of ancestors of present generation of medicos of Thykkattu family are available.

Q162: Whether it is also mentioned in the book, Ex.P4 that it is believed that the family members were commissioned as the physicians of Perumanam village?

A: Yes. By sage Parasuram.

Q163: So, it is belief as per the book?

A: Yes.

Q164: Have you produced the original version in Malayalam of Ex.P4?

A: No.

Q165: Do you personally know the translator of the book, Ex.P4 Mrs. Srikumari Ramachandran?

A: No.

Q166: Are you going to bring the translator of Ex.P4 as a witness before this Hon'ble Court?

A: No.

Time: 04.30 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