

BEFORE THE ADDITIONAL MASTER-III
HIGH COURT, MADRAS.
IN THE PRESENCE OF INTERPRETER (URDU)

(T) OP (TM)/ 388/2023
and WP 27500/ 2021
and WMP No. 29025 of 2021

Date: 22.10.2024
Time: 02.35 P.M.

Name : Mr.Syed Kauser Ahmed (RW1)

Cross Examination by Mr.Somnath De, Learned counsel for the Petitioner.

Solemnly Affirmed:

Q1: What is the name of the firm and what is your position in the firm?

A: Firm name is Komal Pharmacy and I am the owner of the firm. Initially the firm name was Komal Perfumery and now it has been named as Komal Pharmacy.

Q2: Since when you were the partner in that firm?

A: I was a partner in the firm from the year 2002.

Q3: What is the role of yours in that particular firm?

A: I am managing the business in the said firm.

Q4: Since when your firm doing business under the trademark ZINDA TEL?

A: From the year 2007.

Q5: Since when your firm has been doing business under the label/trade dress of ZINDA

TEL and which contains the colour saffron?

A: From the year 2002. Witness adds: My father was doing the said business for the past 50 to 70 years and I am having license for this since 1988.

Q6: (Counter statement is shown to the witness). In Para.12 of the counter statement it is stated that "I have been carrying on said business of Ayurvedic Medicine since 1988 onwards under the brand name ZINDA TEL with a very unique and distinctive appearance and trade dress". Is it correct?

A: No, I have not stated. Witness adds: May be I have written. I am doing the said business from the year 2002.

Q7: I put it to you that you have made a wrong statement on oath.

A: I deny. Witness adds: I do not know about my averments in Para.12 of my counter statement as I do not know English.

Q8: You have given false sales figure by mentioning of using the trademark ZINDA TEL since the year 1988. Is it correct?

A: No.

Q9: (Ex.R1 is shown to the witness). Whether the Partnership Deed dated 07.10.2002 mention about the trademark ZINDA TEL?

A: I do not know English from childhood. Witness adds: The trademark by name ZINDA TEL is not mentioned in Partnership Deed. But, there is a Partnership Deed.

Q10: (Pg.No.81 of Ex.R9 is shown to the witness). In the Invoice date 13.10.1988 mentioned as W.E.F but, the invoice was issued on 01.10.1988. Please explain how the same was issued before W.E.F?

A: It was written at that period by somebody.

Q11: Do you have any other firm while you are working or you are a partner?

A: No.

Time : 03.10 P.M.

Taken down in open Court, read over and explained to the witness and the same is admitted by the witness in the presence of the interpreter (Urdu) to be correct and signed before me.

ADDITIONAL MASTER-III