

BEFORE THE ADDITIONAL MASTER-II
HIGH COURT, MADRAS

(T).OP(TM).No.414 OF 2023

Date : 21.04.2026

Time : 03:30 PM

Name : Mr.Raghavan Kalyanaraman Venkata (PW1)

PW1 Cross Examined by Learned counsel for the 1st Respondent
Mr.R.Sathish Kumar.

Solemnly affirmed:

Q1:Are you aware that this is a case that is transferred from Intellectual
Property Appellate Board (IPAB)

A:Yes.

Q2:Are you aware in which year you have filed this present application in
IPAB

A:I do not remember the date exactly.

Q3:Were you employed with the petitioner when this case was filed?

A:I am employed with the petitioner since 2011. I am aware of this case.

Q4:Would it be correct to say the present case was filed in 2015 and it was
numbered as ORA 274/2015/TM/CH?

A:Yes.

Q5:Therefore I put it to you that any document post the year 2015 cannot
be permitted to be taken on record or relied upon by the petitioner.

A: AASHIRVAD is a continuing brand and hence we would like to submit
the evidence of the continuing brand usage.

Q6: Are you a lawyer by profession and are you qualified in law ?

A:No.

Q7: I put it to you that a case has to be decided only on the date of its filing and all subsequent documents cannot be allowed to be taken on record merely because it is a continuing business.

A: If it is law, it is correct.

Q8: In this case you have filed about 29 Exhibits. Are you aware of how many of these are post the year 2015?

A: I do not know the exact number.

Q9: (proof affidavit is shown to the witness) Please check the proof affidavit and answer Q8?

A: Ex.P13 to P17 and Ex.P22 (6 documents).

Q10: In this case of rectification against the trademark SAVITRI AASHIRVAD, are you aware of the goods for which the trademark under number 1420229 in class 30 is registered?

A: I am aware of rice and rice flour being sold under the brand SAVITRI AASHIRVAD.

Q11: (Ex.P29 is shown to the witness) I put it to you that "Rice Flour" is not part of the description in Ex.P29.

A: Yes. It is not written explicitly here but it mentions goods included in class 30 which I presume includes rice flour also.

Q12: Do you know how many goods approximately are listed under class 30 of classification of goods and services of trademarks?

A: No.

Q13: Therefore I put it to you that your presumption in answer to Q11 that the description of goods contain rice flour is incorrect.

A: I deny. Just because I do not know the numbers it does not mean that rice flour is not included in class 30.

Q14:Do you have any trademark registration in which “Rice Flour” is mentioned specifically for any of the registration of the petitioner for the trademark AASHIRVAD?

A:I am not aware of it exactly.

Q15:Have you filed any documents to prove that the petitioner is using the trademark AASHIRVAD for rice or rice flour?

A:I do not recall exactly.

Q16: Do I take it that AASHIRVAD is not used for rice by the petitioner?

A:No.

Q17:Does the petitioner deal with rice under any trademark. If so what. ?

A: Yes. We have 24 Mantra as a brand which sells rice under AASHIRVAD we sell rice idly and rice dosa mix also.

Q18:Therefore I put it to you that that petitioner does not sell only rice as goods under the trademark AASHIRVAD.

A:I deny. We sold rice under AASHIRVAD brand from 2018-2020 and we are open to selling rice under AASHIRVAD brand in future also.

Q19:Does the petitioner have any trademark registration for AASHIRVAD for rice alone?

A:I am not aware.

Q20:(Ex.P7 and P8 are shown to the witness) Can you check the Ex.P7 and P8 and answer to the question number 19?

A:I could not find any which mentioned only rice.

Q21:(Ex.P4 is shown to the witness) Ex.P4 is the photographs of various products using the trademark AASHIRVAD. I put it to you that rice is not a part of any of these products in this Ex.P4?

A:Yes.

Q22:(Ex.P5 is shown to the witness) Similarly Ex.P5 also does not contain rice as a part of the products shown there?

A:Yes. But Rice dosa and Rice idly are there.

Q23:Is there any date mentioned in Page No. 104 as part of Ex.P5?

A:No.

Q24:(Ex.P6 is shown to the witness) Please see Ex.P6. This also contains no reference to any product sold/Manufactured by the petitioner other than ATTA?

A:Yes.

Q25:(Ex.P7 and P8 are shown to the witness) Among the products mentioned in the registration, I put it to you that most trademarks are for packaging of AASHIRVAD ATTA in many variants only.

A:No, trademark registration is for AASHIRVAD brand and packaging for other products also.

Q26:Was the petitioner using all the products mentioned in the description of Ex.P7 and Ex.P8 registrations as on the date of filing the present case?

A:No, not all of them.

Q27:Can you please tell the court what are the product that have never been used by the petitioner among the registration in Ex.P7 and Ex.P8?

A: I do not have the entire list. From what I know confectionery, candies, and chocolates we have not used.

Q28:Have you used the trademark AASHIRVAD for breads, cakes, biscuits, Ices, Honey, Yeast which are also a part of some of the registrations in Ex.P7 and Ex.P8 at any point of time?

A:Yes. We have used it for Chappathi which is an Indian bread. I have used the trademark AASHIRVAD on the biscuit packets. I do not recall for any other products mentioned above.

Q29:Have you filed any evidence to show that the trademark AASHIRVAD is used on biscuit packets?

A:No.

Q30: (Ex.P10 is shown to the witness) I put it to you that the rice as a product alone is not a part of any of invoices in Ex.P10.

A:Yes.

Q31: I put it to you that Ex.P13 to Ex.P18 are all documents post the filing of petitions and therefore on the date of filing of this rectification, none of these documents, being in existence, they cannot be relied upon.

A:I deny. There are invoices of products bearing the mark AASHIRVAD in the year 2011, 2012, 2013 also as part of Ex.P18.

Q32:(Ex.P19 is shown to the witness) Similarly Ex.P19 is also documents that contain orders of foreign jurisdiction only post the year 2015?

A: Yes.

Time : 04.55 PM

Taken down in open Court, read over and explained to the witness and the same is admitted by the witness to be correct and signed before me.

ADDITIONAL MASTER-II