



C.S.(Comm.Div.) No.208 of 2025

**IN THE HIGH COURT OF JUDICATURE AT MADRAS**

DATED: 09.03.2026

CORAM:

**THE HONOURABLE MR. JUSTICE SENTHILKUMAR RAMAMOORTHY**

C.S.(Comm.Div.) No.208 of 2025

and

A.No.822 of 2025

- 1.Mr.A.D.Padmasingh Isaac,  
Proprietor,  
Aachi spices and Foods,  
Old No.4, New No.181/1,  
6<sup>th</sup> Avenue, Thangam Colony,  
Anna Nagar, Chennai – 600 040.
- 2.Aachi Masala Foods Private Limited,  
No.1926, 34<sup>th</sup> Street, I Block,  
Ishwarya Colony, Anna Nagar West,  
Chennai – 600 040  
represented by its Director  
Mr.Ashwin Pandian
- 3.M/s.Flora Foods,  
A Partnership Firm  
No.1926, 34<sup>th</sup> Street, I Block,  
Ishwarya Colony, Anna Nagar West,  
Chennai – 600 040  
represented by its Partner  
Mrs.Thelma Isaac

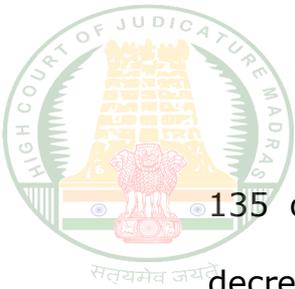
.. Plaintiffs

VS

Sri Aachi Mess,  
Near Toll Plaza,  
Py-Pass, Ulundurpet – 606 107.

.. Respondent

Plaint filed under Order IV Rule 1 of Original Side Rules and  
Order VII Rule 1 of C.P.C. read with Sections 27(2), 29, 134 and  
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135 of the Trade Marks Act, 1999, praying for a judgment and decree on the following terms:

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a. granting a permanent injunction, restraining the Defendant, by himself, his servants, agents, distributors, or anyone claiming through him from manufacturing, selling, advertising and offering for sale or providing services using the name 'SRI AACHI MESS' or any other similar Trade Mark name or similar sounding expression in any hotels, restaurant services, media, websites, mobile applications, social media platforms and internet advertising and use the same in name board, invoices, letter heads and visiting cards, websites, mobile applications, social media platforms and internet advertising or by using any other trade mark/name which is in any way visually or deceptively or phonetically similar to the Plaintiffs trade mark/name AACHI/AACHI CHETTINAD RESTAURANT/AACHI KITCHEN/AACHI NAMMA KITCHEN/ AACHI BHAVAN and use the same in pouches, packets or use the mark in invoices, letters heads and visiting cards, website and internet advertising or part of their restaurant name any other trade literature or Menu card by using any other trade mark which is in any way visually, or phonetically similar to the Plaintiffs' registered Trade Mark Nos. 838786, 1116254, 1479159, 1715718, 2965624, 5275581, 5274680 &



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5446987 or in any manner infringing the 1st Plaintiffs registered Trade Marks referred herein;

b. Granting a permanent injunction restraining the Defendant by itself, its agents or servants or anyone claiming through or under him any business marketing, selling advertising using in trade literature, menu cards, invoices, name boards, websites, mobile applications, social media platforms and internet advertisements the mark/name 'SRI AACHI MESS' in relation to the Restaurant services or with respect to or any other food preparation or on any other business the impugned trademark/name which is in any manner deceptively or phonetically confusingly similar to the Plaintiffs Trade Mark/name AACHI/AACHI CHETTINAD RESTAURANT/AACHI KITCHEN/AACHI NAMMA KITCHEN/AACHI BHAVAN or in any other manner pass off their hotel, business or goods as and for that of the Plaintiffs;

c. Directing the Defendant to surrender to the Plaintiffs all the packing material, cartons, advertisement materials and hoardings, letter-heads, visiting cards, office stationery and all other materials containing/bearing the name 'SRI AACHI MESS' or other identical trade mark used in the pouches and packets bearing the



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word AACHI/AACHI CHETINAD  
RESTAURANT/AACHI KITCHEN/AACHI NAMMA  
KITCHEN/AACHI BHAVAN;

d. Directing the Defendant to render an account of profits made by them by the use of the impugned trademark 'SRI AACHI MESS' on the service referred and decree the suit for the profits found to have been made by the Defendant, after the Defendant has rendered accounts;

e. Directing the Defendant to pay to the Plaintiffs the costs to the suit.

For Plaintiffs : Ms.Gladys Daniel  
for M/s.C.Daniel

### **JUDGMENT**

This suit was filed for remedies in respect of alleged trade mark infringement and passing off by use of the impugned mark SRI AACHI MESS.

2. The suit summons was served on the sole defendant on 04.09.2025. By order dated 19.01.2026, it was recorded that the defendant had forfeited the right to file written statement. On 04.02.2026, the defendant was set *ex parte*. The plaintiffs recorded



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ex parte evidence by examining Mr.B.Gnanasambandam, General Manager – L & S, of the second plaintiff, as P.W.1. In course of the examination in chief of P.W.1 on 18.02.2026, 39 documents were exhibited as Exs.P1 to P39.

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3. Learned counsel for the plaintiffs referring to the legal use certificate relating to Trade Mark No.1116254 for the following device mark (Ex.P28)



**Aachi** Chettinad  
Restaurant

and to the legal use certificate relating to Trade Mark No.5274680 for the following device mark (Ex.P33).



She submits that the plaintiffs were originally in the spices business and that they expanded their business by getting into the ready to eat business and thereafter the restaurant business. Relying on the certificate issued by R.Muralidharan & Co., Chartered Accountants (Ex.P25), learned counsel submits that the turn over for financial year 2014-2015 was Rs.13,20,61,70,537/- and the advertising

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expenditure in the said year was Rs.21,00,17,044/-. Adverting to the name board of the defendant (Ex.P38) and the invoices issued by the defendant, learned counsel submits that the rival mark infringes the essential feature of the plaintiffs' mark.

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4. The plaintiffs have obtained registrations of various word and device marks containing the element AACHI in Classes 30 and 43 (Exs.P27 to P34). On comparison between plaintiffs' mark and the impugned mark, it appears that the plaintiffs' mark is used in relation to vegetarian restaurants and the defendant's mark is in relation to a non-vegetarian restaurant. Both marks contain the element AACHI. The nature of food served in the defendant's restaurant is insufficient to conclude that services are not similar. Thus, the defendant is the later user of a deceptively similar mark in respect of similar services. The plaintiffs have provided evidence of turn over and advertising expenditure by way of Chartered Accountant's Certificate (Ex.P25). The suit was preceded by cease and desist notice dated 13.05.2025 (Ex.P39). Considering the above evidence and in the absence of contra evidence from the defendant, the suit claim stands proved.

5. Accordingly, the suit is decreed in terms of reliefs claimed in paragraph Nos.45(a) to (d) of the plaint. As the successful party,



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the plaintiffs are also entitled to costs. The defendant is directed to pay a sum of Rs.3,00,000/- as costs towards court fee, lawyer's fees and other expenses. Consequently, connected application is closed.

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Index:Yes/No

Neutral Citation:Yes/No

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**Plaintiffs' witness:**

P.W.1 – Mr.B.Gnanasambandam

**Documents exhibited by the Plaintiff:**

<b>Sl. No.</b>	<b>Exhibits</b>	<b>Description</b>
1	Ex.P1	Original Authorization letters (3 Nos.) dated 17.02.2026.
2	Ex.P2	Original Board Resolution dated 09.07.2025
3	Ex.P3	Printout of the list of products manufactured and marketed by the Plaintiffs bearing the trademark AACHI (along with 63(4) (c) Bharatiya Sakshya Adhiniyam
4	Ex.P4	Photocopy of the Certificate of incorporation dated 30.06.2006 of Aachi Masala Foods P Ltd.
5	Ex.P5	Photocopy of the Certificate of Commercial Tax Registration of Aachi Masala & Foods (P) Ltd dated 10.07.2006
6	Ex.P6	Photocopy of the Deed of Assignment dated 01.12.2006 between Abishek Enterprises and Aachi Masala Foods Pvt. Ltd.
7	Ex.P7	Photocopy of the Deed of Assignment dated 01.12.2006 between Naveen Products and Aachi Masala Foods Pvt. Ltd.,



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<b>Sl. No.</b>	<b>Exhibits</b>	<b>Description</b>
8	Ex.P8	Photocopy of the Dissolution Deed between Mrs. Rani Pandian and Mr. A.D.Padmasingh Isaac dissolving the partnership firm, Naveen Products dated 31.03.2007.
9	Ex.P9	Photocopy of the Certificate of Commercial Tax Registration and Central Sales Tax of Aachi Spices & Foods dated 28.12.2006 and 03.01.2007.
10	Ex.P10	Photocopy of the Deed of Assignment between Aachi Masala Foods Pvt Ltd and Mr.A.D. Padmasingh Isaac trading as Aachi Spices and Foods dated 30.03.2007.
11	Ex.P11	Photocopy of the Trade Mark License user Agreement between Mr. A. D. Padmasingh Isaac trading as Aachi Spices and Foods and Aachi Masala Foods Pvt Ltd dated 01.04.2007.
12	Ex.P12	Photocopy of the Certificate of incorporation of Aachi Spices and Foods P Ltd. Dated 17.03.2010.
13	Ex.P13	Photocopy of the Memorandum of Association of Aachi Spices and Foods P Ltd. Dated 06.03.2010.
14	Ex.P14	Photocopy of the Trade Mark License user Agreement between Mr. A. D. Padmasingh Isaac and Aachi Spices and Foods Pvt Ltd dated 21.04.2010
15	Ex.P15	Photocopy of the Trade Mark License user Agreement between Mr. A. D. Padmasingh Isaac and Aachi Masala Foods P Ltd dated 21.04.2010.
16	Ex.P16	Photocopy of the Trademark License user Agreement between Mr. A. D. Padmasingh Isaac and Aachi Masala Foods P Ltd, dated 04.03.2020.
17	Ex.P17	Photocopy of the Trademark License user Agreement between Mr. A. D. Padmasingh Isaac and Aachi Spices and Foods Pvt Ltd, dated 04.03.2020.
18	Ex.P18	Photocopy of the Partnership Deed dated 30.09.2021 of the 3rd Plaintiff.
19	Ex.P19	Photocopy of the Trademark License user agreement between Mr. A. D. Padmasingh Isaac, Aachi Spices and Foods and Flora Foods dated



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<b>Sl. No.</b>	<b>Exhibits</b>	<b>Description</b>
		01.11.2021.
20	Ex.P20	Photocopy of the Invoice receipts(15 Nos.) for Aachi Namma Kitchen.
21	Ex.P21	Photocopy of the Plaintiffs Advertisement in RITZ Magazine.
22	Ex.P22	Photocopy of the Registration Certificates of the mark AACHI in various countries around the world.
23	Ex.P23	Photocopy of the Madrid Protocol Registration in classes 29, 30, 43 with respect to the Trademark  AACHI (Word) & (Device) designating 107 & 117 countries valid and subsisting as on date.
24	Ex.P24	Photocopy of the Sample sales invoices for the year 2000 to 2024.
25	Ex.P25	Photocopy of the Chartered Accountant certificates.
26	Ex.P26	Photocopy of the Sample advertisement Invoices and expenses for the year 1999 to 2025.
27	Ex.P27	Photocopy of the Legal use certificate of Trade Mark No. 838786 in Class 30, Registration date : 29.01.1999.
28	Ex.P28	Photocopy of the Legal use certificate of the Trademark No. 1116254 in Class 30, Registration dated 03.07.2002.
29	Ex.P29	Photocopy of the Legal use certificate of the Trademark No. 1715718 in Class 43, Registration dated 30.07.2008.
30	Ex.P30	Photocopy of the Legal use certificate of the Trademark No. 2965624 in Class 43, Registration dated 18.05.2015.
31	Ex.P31	Photocopy of the Legal use certificate of the Trademark No. 1479159 in Class 30, Registration dated 17.08.2006.
32	Ex.P32	Photocopy of the Legal use certificate of the Trademark No. 5275581 in Class 43, Registration

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<b>Sl. No.</b>	<b>Exhibits</b>	<b>Description</b>
		dated 06.01.2022.
33	Ex.P33	Photocopy of the Legal use certificate of the Trademark No. 5274680 in Class 43, Registration dated 06.01.2022.
34	Ex.P34	Photocopy of the Legal use certificate of the Trademark No. 5446987 in Class 43, Registration dated 13.05.2022.
35	Ex.P35	Printout photograph of the AACHI NAMMA KITCHEN'S name board (along with 63(4) (c) Bharatiya Sakshya Adhinyam) .
36	Ex.P36	Original AACHI NAMMA KITCHEN'S Menu card.
37	Ex.P37	Printout of the order passed by Trademark Trial and Appellate Board, United States Patent and Trademark office dated 13.09.2016 (along with 63(4) (c) Bharatiya Sakshya Adhinyam) .
38	Ex.P38	Printout copy of the Defendant's name Board and Bill (along with 63(4) (c) Bharatiya Sakshya Adhinyam) .
39	Ex.P39	Office copy of the Cease & Desist Notice sent to the Defendant dated 13.05.2025 with postal receipt and track consignment

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**SENTHILKUMAR RAMAMOORTHY,J.**

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