



C.S. No. 759 of 2
and A.No.1654 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20-04-2026

CORAM

THE HON'BLE MR JUSTICE SENTHILKUMAR RAMAMOORTHY

**C.S. No. 759 of 2007
and A.No.1654 of 2026**

1. T.T.Krishnamachari & Co.,
Rep. by its Partner Mr.T.T.Raghunathan
2. T.T.K.Healthcare Ltd.,
Rep. by its Director Mr.K.Vaidyanathan,

Both having Office at No.6, Cathedral Road,
Chennai-600 086.

..Plaintiffs

Vs

Godrej Agrovvet Limited,
Pirojshanagar, Eastern Express Highway,
Vikhroli (E), Mumbai - 400 079.

..Defendant

Prayer : Complaint is filed under Order IV Rule 1 of the O.S.Rules and Order VII Rule 1 of CPC Read With Sections 27, 134 & 135 of the Trade Marks Act, 1999, praying to grant a judgment and decree on the following terms:-

(a) a permanent injunction restraining the defendant, their men, servants, agents, distributors, dealers, retailers, stockists, packers, importers, successors in business, legal representatives, assigns or any other person/s claiming through or under them from in any manner manufacturing, distributing, marketing, processing, producing, selling or offering for sale, stocking,



advertising or in any manner directly or indirectly dealing in ready to cook snacks or any other food products containing the trade mark YUMMIEZ or any

other mark which is deceptively similar to the plaintiffs trade mark YUMMIES so as to pass off and enabling others to pass off their food products as and for the plaintiffs food products or in any other manner whatsoever;

(b) the defendant be ordered to surrender to the Plaintiffs all the packaging, pouches, labels, cartons, wrappers, bags, empty or filled with food materials, leaflet, brochures, dies, blocks, screen prints, cylinders and other materials bearing the trade mark YUMMIEZ for destruction purposes;

(c) the defendant be ordered to pay to the Plaintiffs a sum of Rs.10,05,000/- being compensatory and punitive damages for committing acts of passing off;

(d) for costs of the suit.

For Plaintiffs: Mr. Arun C.Mohan
Ms. Swabhhi Tyagi

For Defendant: Mr. Madhan Babu
Mr. P.Vishnu Manoharan

JUDGMENT

The suit was instituted seeking remedies in respect of passing off in relation to the use of the mark YUMMIEZ by the defendant, which the plaintiffs allege is deceptively similar to the plaintiffs' trade mark YUMMIES.

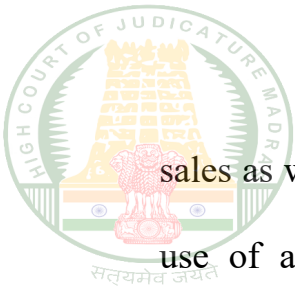


Pleadings and evidence

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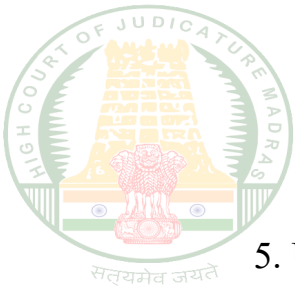
2. In the plaint, the first plaintiff states that the trade mark FRYUMS was adopted in the early 1980s in respect of ready-to-fry snacks. It is also stated that the trade mark YUMMIES was adopted *bona fide* in or about the year 1987 and has been used continuously since then in respect of ready-to-eat snacks in different flavours. It is also stated that the trade marks FRYUMS & YUMMIES are being used by the second plaintiff in respect of ready-to-fry and ready-to-eat snacks at least since the year 1987 till date. In paragraph 5 of the plaint, the plaintiffs state that the first plaintiff obtained registration of the trade mark FRYUMS YUMMIES on 11.08.1987 in respect of goods falling under Class 29 with a disclaimer in respect of the word YUMMIES. The plaintiffs proceed to state in the said paragraph that by virtue of long, extensive and continuous use, the trade mark YUMMIES has acquired a secondary meaning.

3. The plaintiffs state further that they became aware of the launch of snacks in the ready-to-cook range by the defendant under the deceptively similar trade mark YUMMIEZ in February, 2007. After stating that the plaintiffs were the first to adopt and use the trade mark YUMMIES for food products, it is stated that customers with average intelligence and imperfect recollection would tend to believe that the defendant's product YUMMIEZ is also a product of the plaintiffs. After asserting that the plaintiffs' business and



sales as well as reputation and goodwill is adversely affected by the defendant's use of an almost identical trade mark, the plaintiffs have prayed for both injunctive and monetary relief.

4. In the written statement, the defendant states that it belongs to the well established and highly reputed house of GODREJ. It is also stated that the reputation and goodwill of the house of GODREJ is reflected in the annual sales turnover, which is in excess of Rs.10,000 crores. The defendant further states that the label mark consisting of the house mark GODREJ and the word YUMMIEZ was independently and honestly adopted in or about June 2006 along with a unique design, layout, get up and colour scheme in respect of ready-to-cook food products. At paragraph 11 of the written statement, the annual sales and advertising figures in respect of the defendant's ready-to-cook products packaged in the above referred label are set out. At paragraph 14 of the written statement, the defendant refers to the disclaimer in the plaintiffs' trade mark and states that the plaintiffs consequently do not have an exclusive right to use of the word YUMMIES. At paragraph 15, the defendant states that neither the first plaintiff nor the second plaintiff has a protectable goodwill or reputation in respect of their trade mark and that an action for passing off is not maintainable. The allegation of deceptive similarity has been expressly denied. Therefore, the defendant has prayed that the suit be dismissed with costs.



5. Upon considering the pleadings, this Court framed the following issues

on 23.09.2021:

“ i) Whether the plaintiff is entitled to exclusive protection for its registered trademark "YUMMIES"?

ii) Whether the plaintiff is entitled to a permanent injunction restraining the defendant from passing off its mark "YUMMIEZ" as that of the plaintiff's "YUMMIES"?

iii) Whether the plaintiff is entitled to damages?

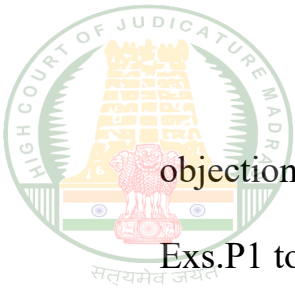
iv) Whether the suit is bad for mis-joinder of parties?

v) Whether the suit is liable to be dismissed on the ground that it is an abuse of judicial process ?

vi) Whether the word "YUMMIES", which is a registered mark of the plaintiff qualifies to be a trademark ?

vii) To what other reliefs, the parties are entitled to? ”

6. By order dated 10.11.2021, this Court observed that the lis could be decided on the basis of documentary evidence. Therefore, the matter was referred to learned Additional Master IV with a further direction to mark all the documents filed by the adversaries subject to production of originals and



objections, if any. Pursuant thereto, the plaintiffs exhibited 21 documents as Exs.P1 to P21. The defendant exhibited 28 documents as Exs. D1 to D28. Later, the plaintiffs filed an application for permission to adduce secondary evidence, which is being considered and disposed of along with the suit. Thus, no oral evidence was adduced.

Counsel and their contentions

7. Oral arguments on behalf of the plaintiffs were advanced by Mr.Arun C.Mohan and oral arguments on behalf of the defendant were advanced by Mr.Madhan Babu.

8. The contentions of Mr.Arun C.Mohan may be summarised as under:

(i) The prominent feature in both the plaintiffs' trade mark and that of the defendant is the word element YUMMIES and YUMMIEZ, respectively. The plaintiffs are clearly the prior users as evidenced by invoices issued between 1997 and 2007 that were exhibited as Ex.P6. Because the later mark of the defendant is deceptively similar, it is likely to cause deception or confusion among the minds of consumers.

(ii) Notwithstanding the disclaimer, an action for passing off is maintainable. The judgment of the Supreme Court in *Godfrey Phillips India Limited v. Girnar Food & Beverages Pvt. Ltd., (1998) 9 SCC 531*, particularly paragraph 6 thereof, is relied on in support of this proposition.

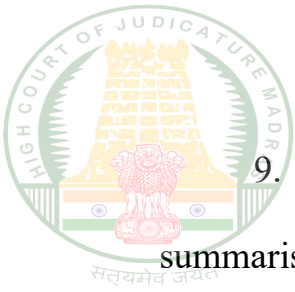


(iii) The factors enumerated in *Cadila Health Care Limited v. Cadila Pharmaceuticals Limited*, (2001) 5 SCC 73, as material in an action for passing off, if applied to this case, would lead to the conclusion that the defendant is liable for passing off.

(iv) The contention of the defendant that several others are using marks containing the element YUMMIES or elements similar thereto and that the suit is liable to be rejected on that ground is untenable. Such contention cannot be raised merely on the basis of a search report. Paragraphs 52 & 53 of the judgment of the Delhi High Court in *Indian Shaving Products Limited & another v. Gift Pack & another*, 1998 SCC OnLine Del 829, is relied upon in support.

(v) The contention of the defendant that the products are not similar is liable to be rejected. Even as per the test formulated in *Hatsun Agro Products Limited v. M/s Arokiya Foods*, 2023 (93) PTC 592 [Mad], the ready-to-eat products of the plaintiffs are similar to the ready-to-fry products of the defendant.

(vi) The defendant cannot non-suit the plaintiffs on the ground of non-use because the plaintiffs were using the mark at the time of institution of the suit. The A.C. Nielsen ORG MSRGT Pvt. Ltd. report (Nielsen report) does not qualify as sufficient evidence to conclude that the plaintiffs are not using the mark.



9. The contentions of learned counsel for the defendant may be summarised as under:

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(i) As a first step in an action for passing off, the plaintiffs are required to establish reputation. Even a certificate of an independent chartered accountant has not been filed by the plaintiffs to establish reputation.

(ii) The plaintiffs have filed photo copies of documents, including invoices. The affidavit in support of the application for permission to adduce secondary evidence does not satisfy the requirements of Section 65 of the Indian Evidence Act, 1872 (the Evidence Act). The judgment of the Supreme Court in *Tharammel Peethambaran and another v. T.Ushakrishnan and another, SLP (C) No.11868 of 2024*, particularly paragraphs 20.2 to 20.6, is relied upon with regard to the requirements to be fulfilled to rely on secondary evidence.

(iii) The goods are dissimilar. The plaintiffs applied the mark in relation to ready-to-eat snacks, whereas the defendant applies the mark in relation to ready-to-cook products. While the plaintiffs' products are placed on the shelf in retail outlets, the defendant's products are found in freezers.

(iv) Both as per the Nielsen report, which covers all the namkeen products available in the retail market between 2006-2007, and from the website of the plaintiffs, it is clear that the plaintiffs are not using the mark now and were not using the same at the time of institution of the suit. Judicial notice may be taken of this fact under Section 57 of the Evidence Act.



Discussion, analysis and conclusions

Issue Nos.1-3

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10. Out of the seven issues framed by this Court on 23.09.2021, I propose to first deal with issue nos.1 to 3 jointly. The first issue relates to whether plaintiffs are entitled to exclusive protection for its registered trade mark “YUMMIES”. Issues 2 and 3 relate to whether the plaintiffs are entitled to injunctive relief and damages, respectively. In order to address these issues meaningfully, it is necessary to first examine the marks as depicted on the registration certificates. The registration certificate in respect of Trade Mark No.476700 B in Class 29 was exhibited as Ex.P1. The mark depicted therein is as under:



The certificate in respect of Trade Mark No.476703 B was exhibited as Ex.P2.

The mark adopted therein is as under:

FRYUMS YUMMIES



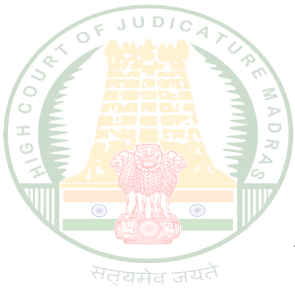
11. The defendant exhibited the advertisements published in relation to these marks in the trade marks journals as Ex.D7. These advertisements carry a common disclaimer, which is set out below:

“Registration of this Trade Mark shall give no right to the exclusive use of the word ‘Yummies’.”

Whether the plaintiffs are entitled to claim the right to exclusive use of “YUMMIES” notwithstanding the above disclaimer and whether the plaintiffs are entitled to relief in respect of passing off for any other reasons falls for consideration next.

12. In an action for infringement of trade mark, the plaintiffs assert a proprietary right in the mark. Therefore, a comparison of the rival marks is required to be undertaken from the perspective of a consumer of average intelligence and imperfect recollection. While undertaking such comparison, if the court draws the inference that there is likelihood of confusion or deception, the inquiry ends there. By contrast, in an action for passing off, the plaintiffs are required to satisfy the classical trinity of misrepresentation leading to injury to the plaintiffs' reputation and goodwill.

13. In *Kaviraj Pandit Durga Dutt Sharma v. Navaratna Pharmaceutical Laboratories, 1964 SCC OnLine SC 14*, which is a judgment relied upon by Mr.Madhan Babu, at paragraph 28, in relevant part, the Supreme Court held as under:



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“28.While an action for passing off is a Common Law remedy being in substance an action for deceit, that is, a passing off by a person of his own goods as those of another, that is not the gist of an action for infringement. The action for infringement is a statutory remedy conferred on the registered proprietor of a registered trade mark for the vindication of the exclusive right to the use of the trade mark in relation to those goods (Vide Section 21 of the Act). The use by the defendant of the trade mark of the plaintiff is not essential in an action for passing off, but is the sine qua non in the case of an action for infringement. No doubt, where the evidence in respect of passing off consists merely of the colourable use of a registered. trade mark, the essential features of both the actions might coincide in the sense that what would be a colourable imitation of a trade mark in a passing off action would also be such in an action for infringement of the same trade mark. But there the correspondence between the two ceases. In an action for infringement, the plaintiff must, no doubt, make out that the use of the defendant's mark is likely to deceive, but where the similarity between the plaintiff's and the defendant's mark is so close either visually, phonetically or otherwise and the court reaches the conclusion that there is an imitation, no further evidence is required to establish that the plaintiff's rights are violated. Expressed in another way, if the essential features of the trade mark of the plaintiff have been adopted by the defendant, the fact that the get-up, packing and other writing or marks on the goods or on the packets in which he offers his goods for sale show marked differences, or indicate



clearly a trade origin different from that of the registered proprietor of the mark would be immaterial; whereas in the case of passing off, the defendant may escape liability if he can show that the added matter is sufficient to distinguish his goods from those of the plaintiff. ”

14. Given the law relating to passing off, consideration of the wrappers in which the products of the adversaries are sold is warranted. The defendant exhibited the plaintiffs' wrapper as Ex.D1 and the defendant's wrappers as Ex.D2. Said wrapper's are scanned and reproduced below:

Plaintiffs' wrapper:





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Defendant's wrappers:

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YUMMIEZ[®]


VEG. CHEESE FINGERS

Godrej Yummiez™ brings you ready-to-cook Veg. Cheese Fingers. These cheese fingers are a blend of farm fresh vegetables and cheese. Godrej Yummiez Veg. Cheese Fingers contain no preservatives and no artificial colour. Just deep fry the fingers and a healthy, nutritious snack is ready within few minutes. Ideal for kids, be it breakfast or a snack between meals.

Ingredients: Potatoes, Cheese, Breadcrumbs, Edible Veg. oil, Batter (Wheat flour, Corn flour, Corn starch, Iodized salt), Carrots, Green peas, Iodized salt and Cheese flavour.

CONTAINS ADDED FLAVOUR

COOKING INSTRUCTIONS:	पकाने का तरीका:
<ul style="list-style-type: none"> Remove required quantity of frozen fingers Do not thaw Deep fry frozen fingers in hot oil on medium flame for 3 minutes or until golden brown Turn fingers occasionally for uniform cooking Serve hot with favourite sauce <p>Note: Microwave & Oven Baking not ideally recommended</p> <p>Chef's Tips: Serve Fingers as it is or with your favourite sauce</p>	<ul style="list-style-type: none"> फ्रोजन फिंगर्स की जरूरी मात्रा निकालें फिंगर्स को न गलाएं गरम तेल में फ्रोजन फिंगर्स 3 मिनट तक तलें या जब तक वो सुनहरी झुंझुरी न हो जाए एक समान कुकिंग के लिए फिंगर्स को बार-बार पलटते रहें मन पसंद सॉस के साथ इसे गरमा-गरम परोसें <p>नोट: माइक्रोवेव और ओवन बेकिंग उपयुक्त नहीं है</p> <p>रीफ्रिज के सुझाव: फिंगर्स को बैसे ही या फिर मन पसंद सॉस के साथ परोसें</p>



Other Veg. Products: Veg. Roasty Cutlets, Crispy French Fries & Green Peas

Storage Instructions: Always store in the deep freezer at -18°C

BEST BEFORE 9 MONTHS FROM MANUFACTURE

DO NOT THAW

Net Weight: 150g

M.R.P. (Inclusive of all taxes): Rs. 30.00

Date of Manufacture:

Batch No.:

NUTRITIONAL FACTS:


	PER 100g SERVING
Energy	235Kcal
Protein	5.04g
Fat	12.75g
Carbohydrates	25.03g
Iron	0.65mg
Sodium	717.97mg
Calcium	244.37mg

Manufactured by: Vista Processed Foods Pvt. Ltd., M-75, MIDC Talaja, Taluka - Panvel, Dist. - Raigad, Maharashtra 410 208. HACCP Certified

Marketed by: Godrej Agrovet Ltd., Pirojshanagar, Eastern Express Highway, Vikhroli (E), Mumbai 400 079

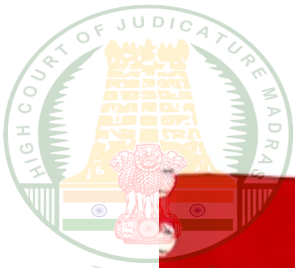
IN CASE OF QUERIES OR PRODUCT DETAILS, CONTACT THE ADDRESS OF MARKETEEER OR CALL US AT:

1800-222-666
(TOLL-FREE)



8 902756 331822

TM - Trademark applied for registration



3 B

150g

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Godrej

YUMMIEZ™

CHICKEN POPCORN





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4

Cut Here ✂



YUMMIEZ™

CHICKEN POPCORN



Godrej Yummiez™ brings to you ready-to-cook Chicken Popcorn. Made from tender fresh Godrej Real Good Chicken, Godrej Yummiez™ Chicken Popcorns are 100% natural and preservative free. Their unique shape and size is specially designed to fit right into your mouth so that you can fully enjoy their juicy sumptuous taste. Godrej Yummiez™ Chicken Popcorn are ideal for kids, be it breakfast or a snack between meals.

Ingredients: Chicken meat, breadcrumbs, edible veg. oil, batter (wheat flour, corn flour, corn starch, iodized salt), water, soya protein, iodized salt & phosphates.

COOKING INSTRUCTIONS:

- Heat oil for deep-frying in pan
- Remove required quantity of frozen popcorn
- Do not thaw
- Drop frozen popcorn in hot oil
- Deep-fry on medium flame till it becomes golden brown (for 3 – 4 minutes)
- Turn popcorn occasionally for uniform cooking

Note: Microwave & Oven Baking not ideally recommended

Chef's Tips: Serve hot popcorn with green chilli sauce or favourite sauce.

पकाने का तरीका:

- डीप-फ्राइंग पैन में तेल गर्म करें
- फ्रोजन पॉपकॉर्न की आवश्यक मात्रा निकाल लें
- पॉपकॉर्न को न थामें
- पॉपकॉर्न को गर्म तेल में डालें
- इन्हें मध्यम आँच पर सुनहरा भूरा होने तक डीप फ्राई करें (3 – 4 मिनट)
- एक समय पकाने के लिए पॉपकॉर्न को बीच-बीच में परतते रहें

नोट : माइक्रोवेव व अवन बेकिंग उचित नहीं है

शेफ का सुझाव : सर्विअर पॉपकॉर्न को ग्रीन चिली सॉस व फेवोरिट सॉस के साथ पढ़ाएँ



Other Chicken Delicacies: Garlic Fingers, Chili Bites, Spicy Cutlets, Pepper Salsam, Chili Salsam, Plain Salsam, Pepper Sausages, Chili Sausages, Plain Sausages and Chicken Nuggets

Storage Instructions: Always store in the deep freezer at -18°C

BEST BEFORE 6 MONTHS FROM MANUFACTURE

DO NOT THAW.

Net Weight: 150g

M.R.P. (Inclusive of all taxes):

Date of Manufacture:

Batch No.:

MFPO No. 420 Category - B

Manufactured & Packed by: Vista Processed Foods Pvt. Ltd., M-75, MIDC Taloja, Taluka - Panvel, Dist. - Raigad, Maharashtra 410 208. **HACCP Certified**

Marketed by: Godrej Agrovet Ltd., Pirojshanagar, Eastern Express Highway, Vikhroli (E), Mumbai 400 079.

NUTRITIONAL FACTS:

PER 100g SERVING		PER 100g SERVING	
Energy value	201.5 kcal	Carbohydrates	6.46 g
Protein	14.00 g	Cholesterol	82.29 mg
Fat	13.3 g	Vitamin A	187.1 mcg
Saturated Fat	8.18 g	Vitamin C	0.3 mg
Monounsaturated fatty acid	4.19 g	Sodium	549.5 mg
Polyunsaturated fatty acid	0.41 g	Calcium	24.84 mg
Trans fatty acid	0.07 g	Iron	0.5 mg



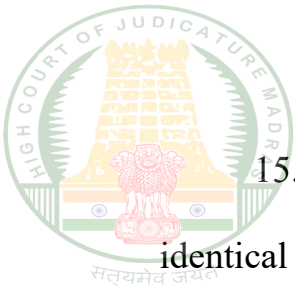
8 902756 671959

IN CASE OF QUERIES OR PRODUCT DETAILS, CONTACT THE ADDRESS OF MARKETEEER OR CALL US AT:

1800-222-666

(T O L L - F R E E)

TM - Trademark applied for registration



15. The plaintiffs have not pleaded that the defendant has adopted an identical or deceptively similar colour scheme or that the packaging as a whole is deceptively similar. On comparison of the packaging, I am unable to conclude that the defendant has held out, intentionally or unwittingly, that these products have a common origin.

16. There is also the aspect of reputation and goodwill to be considered. As noticed earlier, in the plaint, the plaintiffs asserted that they have acquired reputation and goodwill. As evidence, invoices were filed as Ex.P6. Admittedly, only photocopies were filed. As contended on behalf of the defendant, no evidence was adduced with regard to the turnover of the plaintiffs from the sale of products bearing the plaintiffs' trade mark in the period preceding the institution of the suit. The only evidence with regard to advertisements is a photocopy from a trade journal, which was marked as Ex.P9. The defendant, on the other hand, exhibited the certificate of a Chartered Accountant in relation to turnover and advertising expenditure from financial year 2006 – 2007 to financial year 2020 – 2021.

17. Learned counsel for the plaintiffs objected thereto on the ground that said Chartered Accountant had not deposed as a witness and did not submit an affidavit. Said objection has an impact on materiality and weight of evidence. Nonetheless, the onus is on the plaintiffs to establish reputation and goodwill to



sustain the action for passing off. On the basis of evidence adduced by the plaintiffs, even if Exs.P6 and P9 were to be taken into account, I am unable to enter a finding that the plaintiffs have established either goodwill or reputation.

18. As recorded earlier, on comparison of the packaging as a whole, I am unable to conclude that the defendant made a misrepresentation or held out that the product is associated in any manner with the plaintiffs. While a *mala fide* intent to misrepresent is not necessary, as a matter of fact, there should be misrepresentation. Effectively, none of the elements constituting the classical trinity have been made out by the plaintiffs. Therefore, issue nos.1 to 3 are decided in favour of the defendant and against the plaintiffs.

Issue nos. 4 to 6:

19. Issues were framed with regard to misjoinder, abuse of judicial process and as to whether the word YUMMIES qualifies as a trade mark. Misjoinder is not a ground to dismiss a suit. In the light of the findings entered in relation to issue nos. 1 to 3, it has become unnecessary to adjudicate these issues on merits.

Issue no.7:

20. This issue pertains to whether parties are entitled to other reliefs. As the successful party, the defendant is entitled to costs. The suit was instituted in



the year 2007 and has been pending for almost 20 years. Therefore, the plaintiffs are directed to pay a sum of Rs.5,00,000/- (Rupees Five lakhs only) as

costs to the defendant towards lawyer's fees and other expenses.

21. In the result, the suit is dismissed. The plaintiffs are directed to pay a sum of Rs.5,00,000/- (Rupees Five lakhs only) as costs to the defendant towards lawyer's fees and other expenses. Consequently, connected application is closed.

20-04-2026

Index : Yes / No

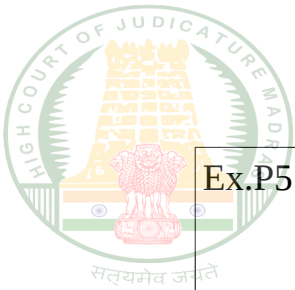
Internet: Yes / No

Neutral Citation : Yes / No

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Documents exhibited by the plaintiffs:

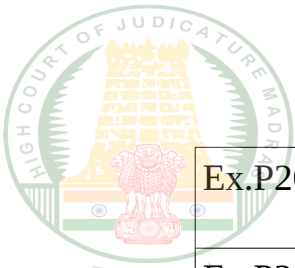
<i>Exhibits</i>	<i>Description</i>
Ex.P1	The Original Registration Certificate along with the Legal User Certificate for the Trademark Fryums YUMMIES script under No.476700 in class 29 with renewal dated 11.08.1987.
Ex.P2	The Original Registration Certificate along with the Legal User Certificate for the trademark Fryums YUMMIES word with renewal dated – 11.08.1987.
Ex.P3	Photocopy of the License Agreement dated - 06.10.1998.
Ex.P4	Photocopy of the Fresh Certificate of Incorporation dated 26.10.1999.



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Ex.P5	Photocopy of the Profit and Loss Account dated 1996-2001. The counsel for the Defendant objected for marking of document no.5 on the ground that it is a printout for which certificate under section 65B is not filed. Ex.P5 is marked with objection objection subject to Proof, Admissibility and relevancy.
Ex.P6	Photocopy of the Invoices / cash bills relating to YUMMIES ready to eat snacks dated 1997-2007.
Ex.P7	Photocopy of the Franchisee Agreement dated 09.08.2001.
Ex.P8	Photocopy of the Franchisee Agreement dated 21.08.2001.
Ex.P9	Photocopy of the Advertisement of defendant's Yummiez appeared in TFP Journal dated Dec Jan 07.
Ex.P10	Photocopy of the Cease and Desist notice issued to the defendant with Ack. Card dated 12.02.2007.
Ex.P11	Photocopy of the Reply notice dated 27.02.2007.
Ex.P12	Photocopy of the Rejoinder sent by the Plaintiffs through their lawyer dated 05.03.2007.
Ex.P13	Photocopy of the E-mails exchanged between defendant and Plaintiffs' lawyers dated 10.03.2007, 11.03.2007.
Ex.P14	Photocopy of the Affidavit of P.Eswaran dated 13.04.2007.
Ex.P15	Photocopy of the Affidavit of S.M.Selvaraj dated 13.04.2007. The counsel for the Defendant objected for marking of documents 3 to 15 on the ground that they are the Photocopies. Ex.P3 to Ex.P15 are marked with objection subject to proof, admissibility and relevancy.
Ex.P16	Original Advertisement of defendant's YUMMIEZ appeared in Daily Thanthi, Chennai dated 08.06.2007.
Ex.P17	Original Advertisement of defendant's YUMMIEZ appeared in Deccan Chronicle, Chennai dated 15.06.2007.
Ex.P18	Photocopy of the Tax invoices showing the Chennai office of the defendant dated 30.03.2007, 29.05.2007. The counsel for the Defendant objected for marking of document 18 on the ground that they are the Photocopies. Ex.P18 are marked with objection subject to proof, admissibility and relevancy.
Ex.P19	Original cash memo/bills for purchase of Defendant's Yummiez in Chennai dated 14.08.2007 – 21.08.2007.

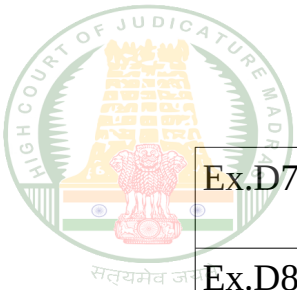


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Ex.P20	Original Plaintiffs' YUMMIES ready to eat snacks packaging.
Ex.P21	Original Defendant's YUMMIEZ ready to cook snacks packaging.

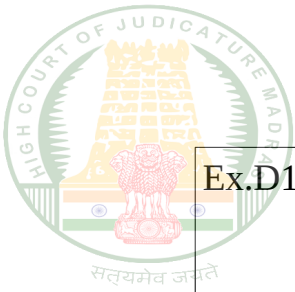
Documents exhibited by the Defendant:

<i>Exhibits</i>	<i>Description</i>
Ex.D1	Printout of the Plaintiffs' label
Ex.D2	Printout of the Defendant's 'GODREJ YUMMIEZ' lable. (Original is produced, Compared and it is undertaken by the Defendant that it can be produced as and when required.)
Ex.D3	Printout of the Defendant's 'GODREJ YUMMIEZ' label. The counsel for the Plaintiff objected for marking of document no.3 on the ground that it is a printout for which certificate under section 65B is not filed. Ex.D3 is marked with objection subject to Proof, Admissibility and relevancy.
Ex.D4	Photocopy of the Advertisement expenses and sales turnover of the defendant in respect of the ready to cook products 'GODREJ YUMMIEZ'. (Original is produced, Compared and it is undertaken by the Defendant that it can be produced as and when required.)
Ex.D5	Color Photocopy of the A list of products bearing the name "YUMMY" or "YUMMIES". The counsel for the Plaintiff objected for marking of document no.5 on the ground that it is a printout for which certificate under Section 65B is not filed. Ex.D5 is marked with objection subject to Proof, Admissibility and relevancy.
Ex.D6	Printout of the Trademark search report in respect of the mark 'Yummy'/'Yummies' in respect of goods included in Class 29 & 30. The counsel for the Plaintiff objected for marking of document no.6 on the ground that it is a printout for which certificate under Section 65B is not filed. Ex.D6 is marked with objection subject to Proof, Admissibility and relevancy.



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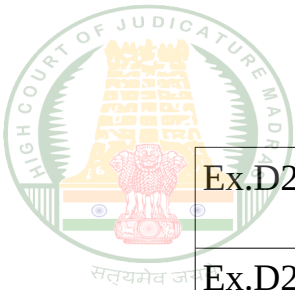
Ex.D7	Photocopy of the Plaintiffs Journal publication under no.476700B and no.476703B
Ex.D8	Photocopy of the Plaintiffs Legal user certificate under no.476700B and no.476703B
Ex.D9	Photocopy of the Piggy Bank Alphabetical Index of Trade Marks showing the Plaintiffs' alleged registered trademark as "FRYUMS yummys". The counsel for the Plaintiff objected for marking of document no.9 on the ground that it is a printout for which certificate under section 65B is not filed. Ex.D9 is marked with objection subject to Proof, Admissibility and relevancy.
Ex.D10	Color Printout of the Samples of media website print outs depicting the defendant's trade mark label as GODREJ YUMMIES. The counsel for the Plaintiff objected for marking of document no.6 on the ground that it is a printout for which certificate under Section 65B is not filed. Ex.D20 is marked with objection subject to Proof, Admissibility and relevancy.
Ex.D11	<p>The Series containing 109-560 pages Photocopy of the Sample Invoices evidencing the advertisement carried out by the defendant.</p> <p>(Original Invoices produced pertaining to page no. 109-126, 143-178, 195-216, 229-315, 318-345, 366-369, 376-384, 400-426, 462-552 Compared and it is undertaken by the Defendant that it can be produced as and when required.)</p> <p>The counsel for the Plaintiff objected for marking of document no.11 on the ground that 127-140, 141-142, 179-194, 217-228, 316-317, 346-365, 370-375, 385-399, 427-461, 553, 556 they are Photocopies and Certificate Under Section 65B is not filed.</p> <p>Ex.D11 is marked with objection subject to proof, Admissibility and relevancy.</p>
Ex.D12	Series containing 561-790 pages Photocopy of the Sample Invoices evidencing the sale of goods by the defendant under the trade mark GODREJ YUMMIES. (Original is produced, Compared and it is undertaken by the Defendant that it can be produced as and when required.)



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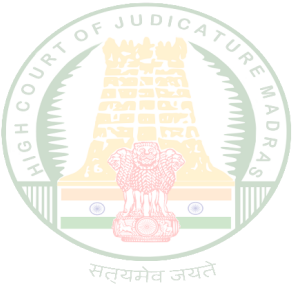


Ex.D13	<p>Photocopy of the Sample Press releases in respect of the defendant's GODREJ YUMMIEZ.</p> <p>The counsel for the Plaintiff objected for marking of document no.13 on the ground that it is a photocopy and Certificate Under Section 65B is not filed.</p> <p>Ex.D13 is marked with objection subject to proof, admissibility and relevancy.</p>
Ex.D14	<p>Photocopy of the Sample Affidavits of defendant's customers. (Original is produced, Compared and it is undertaken by the Defendant that it can be produced as and when required.)</p>
Ex.D15	<p>Photocopy of the Plaint filed in O.S.No.102 of 2007 before the District Judge Tiruvallur dated, April 2007.</p>
Ex.D16	<p>Photocopy of the Ex-parte interim order passed in O.S.No. 102 of 2007 dated, 21.01.2007.</p>
Ex.D17	<p>Photocopy of the Order passed by the District Judge, Tiruvallur rejecting the Plaint in O.S.No.102 of 2007 dated, 16.07.2007.</p> <p>The counsel for the Plaintiff objected for marking of document no. 15-17 on the ground that they are photocopies.</p> <p>Ex.D15-17 is marked with objection subject to Proof and relevancy.</p>
Ex.D18	<p>Photocopy of the Report of A.C.Nielsen ORG MSR G Pvt. Ltd. in respect of All India Namkeen Data for May 2007. (Original is produced, Compared and it is undertaken by the Defendant that it can be produced as and when required.)</p>
Ex.D19	<p>Photocopy of the Affidavits of Traders / Consumers from Chennai.</p>
Ex.D20	<p>Photocopy of the Affidavits of Traders / Consumers from Hyderabad.</p>
Ex.D21	<p>Photocopy of the Affidavits of Traders / Consumers from Bangalore.</p>
Ex.D22	<p>Photocopy of the Affidavits of Traders / Consumers from Bhopal.</p>
Ex.D23	<p>Photocopy of the Affidavits of Traders / Consumers from Delhi.</p>



Ex.D24	Photocopy of the Affidavits of Traders / Consumers from Pune.
Ex.D25	Photocopy of the Affidavits of Traders / Consumers from Mumbai.
Ex.D26	Photocopy of the Affidavits of Traders / Consumers from Goa.
Ex.D27	Photocopy of the Affidavits of Traders / Consumers from Nasik.
Ex.D28	Photocopy of the Affidavits of Traders / Consumers from Aurangabad. The counsel for the Plaintiff objected for marking of document no.19-28 on the ground that they are photocopies. Ex.D19-28 is marked with objection subject to Proof, Admissibility and relevancy.

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and A.No.1654 of 2



SENTHILKUMAR RAMAMOORTHY, J.

KJ

CS No. 759 of 2007
and A.No.1654 of 2026

20-04-2026