IN THE HIGH COURT OF JUDICATURE AT MADRAS

RESERVED ON : 28 / 04 / 2026

PRONOUNCED ON : 05 / 06 / 2026

CORAM

THE HONOURABLE MR JUSTICE P. VELMURUGAN
AND
THE HONOURABLE MRS.JUSTICE K. GOVINDARAJAN THILAKAVADI

O.S.A.No.63 of 2019, O.S.ANo.64 of 2019 &
OSA(CAD) No.23 of 2022 &
O.S.A.No.139 of 2025, O.S.A.No.140 of 2025 &
C.M.P.Nos. 6021 of 2019 & 2952 of 2022

O.S.A.No.63 of 2019

M/s.V.V.V and Sons Edible Oils Ltd
Rep By Its Director,
M.Rajiv Vignesh,
No.443, Bazaar,
Virudhunagar - 626 001.

Regtd. Address No.6, 6/2,
Ellayamudali St II Lane,
(Kailasam St), Tondiarpet,
Chennai - 600 081.

Appellant(s)

Vs

1. M/s.Meenakshi Overseas LLC
2500B HAMILTON BLVD,
SOUTH PLANFIELD,
NJ - 07080, USA.

2.M/s. Shivaraja Impex Company,
No.182/1A, Kattayapuram,
Virudhunagar - 626 001.

3.M/s. Damodar Foods
3/4, Sree Annapoorna Farms,
Thondamuthur, Coimbatore Dt.

Respondent(s)

PRAYER: This Original Side Appeal is filed under Order XXXVI Rule 1 of O.S. Rules r/w Clause 15 of Letters Patent, to set aside the Fair and decreetal order dated 01.02.2019 rejecting the suit in C.S.No.726 of 2017.

* * *

O.S.A.No.64 of 2019

M/s.V.V.V and Sons Edible Oils Ltd
Rep By Its Director,
M.Rajiv Vignesh,
No.443, Bazaar,
Virudhunagar - 626 001.

Appellant

Vs

M/s.Meenakshi Overseas LLC
2500B HAMILTON BLVD,
SOUTH PLANFIELD,
NJ - 07080, USA.

Respondent

PRAYER: This Original Side Appeal is filed under Order XXXVI Rule 1 of O.S. Rules r/w Clause 15 of Letters Patent, to set aside the order dated 01.02.2019 passed in Application No.1948 of 2018 in C.S.No.726 of 2017.

OSA(CAD) No. 23 of 2022

M/s.V.V.V and Sons Edible Oils Ltd
Rep By Its Director,
M.Rajiv Vignesh,
No.443, Bazaar,
Virudhunagar - 626 001.

Regtd. Address No.6, 6/2,
Ellayamudali St II Lane,
(Kailasam St), Tondiarpet, Chennai.

Appellant(s)

Vs

M/s.Damodar Foods
3/4,Sree Annapoorna Farms,
Thondamuthur, Coimbatore District

Respondent(s)

PRAYER: This Original Side Appeal is filed under Clause 15 of Letters Patent read with Section 13 (1) of Commercial Court Act, to set aside the Judgment and Decree passed by this Court in C.S.No.434 of 2017, dated 23.08.2021.

O.S.A.No.139 of 2025

M/s.V.V.V and Sons Edible Oils Ltd
Rep By its Managing Director,
V.R.Muthu
No.443, Bazaar,
Virudhunagar - 626 001.

Regtd. Address No.6, 6/2,
Ellayamudali St II Lane,
(Kailasam St), Tondiarpet, Chennai.

Appellant(s)

Vs

1. M/s.Damodar Foods
No.3/4, Sree Annapoorna Farms,
Thondamuthur, Coimbatore District.

2.M/s.RR Global Enterprises
1852, Holly Road,
New Jersey,
USA.

Respondent(s)

PRAYER: This Original Side Appeal is filed under Clause 15 of Letters Patent r/w XXXVI Rule 9 of O.S. Rules, to set aside the Judgment and Decree passed by this Court dated 01.09.2022 in in C.S.No.987 of 2017.

O.S.A.No.140 of 2025

M/s.V.V.V and Sons Edible Oils Ltd
Rep By Its Director,
M.Rajiv Vignesh,
No.443, Bazaar,
Virudhunagar - 626 001.

Regtd. Address No.6, 6/2,
Ellayamudali St II Lane,
(Kailasam St),
Tondiarpet, Chennai - 600 081.

Appellant(s)

Vs

M/s.Damodar Foods
No.3/4, Sree Annapoorna Farms,
Thondamuthur,
Coimbatore District.

Respondent(s)

PRAYER: This Original Side Appeal is filed under Clause 15 of Letters Patent r/w XXXVI Rule 9 of O.S. Rules, to set aside the Judgment and Decree passed by this Court dated 01.09.2022 in C.S.No.235 of 2020.

For Appellant(s): Mr.P.S.Raman,
Senior Advocate
Assisted by Mr.V.Anand,
Mr.B.Raveendran and
Mr.S.Babu

For Respondent(s): Mr.P.V.Balasubramaniam,
Senior Advocate
Assisted by
Ms.Preetha Natarajan for R1
in O.S.A.No.63 of 2019 &
sole respondent in
O.S.A.No.64 of 2019

Mr. K. Harishankar
for Mr. R. Udhayakumar
for R3 in O.S.A.No.63 of 2019 &
for R1 in O.S.A.No.139 of 2025
and sole respondent in
O.S.A.(CAD)No.23 of 2022
and O.S.No.140 of 2025

R2 in O.S.A.No.63 of 2019
(No appearance)

R2 in O.S.A.No.139 of 2025
(Not ready in notice)

C O M M O N J U D G M E N T

(Order of the Court was made by P.Velmurugan J.)

Since the parties, issues involved, and questions of law arising in all these appeals are substantially interconnected, all the appeals are taken up together and are being disposed of by this common judgment.

2. These appeals have been filed by the appellant/plaintiff M/s.V.V.V & Sons Edible Oils Limited challenging the judgments and decrees passed in the connected suits, as well as the applications filed by the defendants whereby the plaints were rejected. The prayers in all these appeals are as follows:

> "2.1. O.S.A.No.63 of 2019 – filed challenging the dismissal of C.S.No.726 of 2017, wherein the plaint seeking permanent injunction was rejected.
>
> 2.2. O.S.A. No.64 of 2019 – filed challenging the fair and decretal order passed in A.No.1948 of 2018, which resulted in the rejection of the plaint in C.S.No. 726 of 2017 by allowing A.No.1948 of 2018 under Order VII Rule 11 CPC.
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> 2.3. O.S.A.No.23 of 2022 – filed challenging the judgment in C.S.No.434 of 2017, wherein the suit for injunction, accounts of profit, and damages was dismissed, and costs of Rs.1,00,000/- were imposed on the plaintiff.
>
> 2.4. O.S.A.No.139 of 2025 – filed challenging the order in C.S.No.987 of 2017, whereby the plaint seeking injunction and damages of Rs.10,00,000/- was rejected by allowing A.No.1705 of 2022.
>
> 2.5. O.S.A.No.140 of 2025 – filed challenging the judgment in C.S.No.235 of 2020, whereby the plaint seeking injunction and damages of Rs.10,00,000/- was rejected by allowing A.No.1706 of 2022."

3. The respondents herein are the defendants or applicants in the respective suits, and according to the plaintiff, their alleged roles are as follows:-

"3.1. In C.S.No.726 of 2017 (O.S.A.No.63 of 2019), the defendants are three in number:

M/s.Meenakshi Overseas LLC of USA, a foreign company that obtained registration of the mark Idhayam abroad and sells sesame oil in that market;

M/s.Shivaraja Impex Company of Virudhunagar, the supplier and exporter of sesame oil from India to the USA; and

M/s.Damodar Foods of Coimbatore, engaged in packing and exporting snacks and edible products to the USA.

3.2. In Application No.1948 of 2018 in C.S.No.726 of 2017 (O.S.A.No.64 of 2019), the sole respondent is M/s.Meenakshi Overseas LLC of USA, the foreign trademark holder and seller of sesame oil in the USA.

3.3. In C.S.No.434 of 2017 (O.S.A.(CAD)No.23 of 2022), the defendant is M/s.Damodar Foods of Coimbatore, an exporter of snacks to the USA.

3.4. In C.S.No.987 of 2017 (O.S.A.No.139 of 2025), the first defendant-M/s.Damodar Foods, is engaged in manufacturing, preparing, and exporting products by imitating the plaintiff's product name and brand name *Idhayam* to the second defendant, M/s.RR Global Enterprises of USA.

3.5. In C.S.No.235 of 2020 (O.S.A.No.140 of 2025), the defendant is again M/s.Damodar Foods of Coimbatore, exporter of snacks to the USA."

4. In short, the appellant in all these appeals is the plaintiff, M/s.V.V.V & Sons Edible Oils Ltd, the manufacturer of sesame oil under the brand name "Idhayam". The respondents herein are the defendants/applicants in the respective suits, and for the sake of convenience they will hereinafter be referred to as:

4.1. M/s.Meenakshi Overseas LLC of USA “foreign trader”;

4.2. M/s.Shivaraja Impex Company of Virudhunagar “exporter”; and

4.3. M/s.Damodar Foods of Coimbatore “manufacturer/packer”;

4.4. M/s.R.R.Global Enterprises "importer/distributor"

5. Facts in C.S.No.726 of 2017 & A.No.1948 of 2018 (O.S.A.Nos.63 and 64 of 2019)

5.1. The appellant/plaintiff M/s.V.V.V & Sons Edible Oils Limited, a public limited company incorporated in India, is engaged in the manufacture and sale of sesame oil under the registered trade mark Idhayam. The plaintiff claims that the mark Idhayam has been registered in India since 1986 and 1997 in Class 29 for gingelly oil and has acquired substantial goodwill both in India and abroad. It is the plaintiff’s case that the first defendant, M/s.Meenakshi Overseas LLC of USA “foreign trader”, obtained registration of the mark Idhayam in the United States and is selling sesame oil in that market under the

said mark, thereby infringing the plaintiff's rights. The plaintiff further alleges that the second defendant, M/s.Shivaraja Impex Company of Virudhunagar "exporter", and the third defendant, M/s.Damodar Foods of Coimbatore "manufacturer/packer", are engaged in packaging and exporting sesame oil and snacks to the USA using marks deceptively similar to Idhayam.

5.2 The defendants denied these allegations. The first defendant contended that it had lawfully obtained registration of the trade mark Idhayam in the USA and was entitled to use it there. It pointed out that the plaintiff had already challenged this registration before the United States Patent and Trademark Office (USPTO) and later before the United States District Court, Eastern District of California, but both proceedings ended against the plaintiff. Therefore, the suits in India amounted to suppression of material facts and relitigation.

5.3. The learned Single Judge, while considering Application No.1948 of 2018 in C.S.No.726 of 2017, filed by the first defendant, examined the plea for rejection of the plaint under Order VII Rule 11 CPC. The Court found that the plaintiff had suppressed the fact of prior unsuccessful proceedings in the USA, and that the suit was a clear case of relitigation. It was further held that the plaint disclosed no real cause of action within India, as the alleged infringing

acts were confined to the USA. On these combined grounds suppression, relitigation, and absence of cause of action the plaint was rejected.

5.4 The rejection of the plaint by the learned Single Judge is now being assailed in O.S.A.No.63 of 2019 (against the dismissal of C.S.No.726 of 2017) and O.S.A.No.64 of 2019 (against the order in A.No.1948 of 2018).

6. **Facts in C.S.No.434 of 2017 (O.S.A.(CAD)No.23 of 2022)**

6.1. M/s. V.V.V. & Sons Edible Oils Limited commenced its business in the year 1943 as a partnership firm under the name and style "VVV & Sons". In the year 2008, the said firm was converted into a public limited company incorporated under the Companies Act and registered with the Registrar of Companies, Chennai. From the year 2009 onwards, the plaintiff company has been manufacturing and marketing sesame oil and other edible oils under its well-established trade and brand name "Idhayam". The plaintiff claims to have spent several crores of rupees in promoting and developing the brand "Idhayam" for sesame oil and "Vanga" for refined sesame oil. Apart from edible oils, the plaintiff has diversified into the manufacture and sale of other products, including Appalam under the name and style "DOTS Appalam", mustard oil under the name and style "Hardil", sunflower oil, and sweetened and flavoured sesame seeds under the name and style "Tahii". The plaintiff further states that,

by reason of extensive advertisements, continuous commercial use, and exports, particularly to the USA and Canada, the mark “Idhayam” has acquired immense goodwill and reputation, and that consumers exclusively associate any product bearing the mark “Idhayam” with the plaintiff company. The plaintiff further submits that it came to notice in the USA that certain food products, namely hot mixture, plain boondhi, masala boondhi, and spicy round murukku, were being packed in sealed plastic sachets bearing the mark “IDHAYAM” prominently on both sides of the packaging, and that the said products were manufactured/prepared and exported by the defendant company from Coimbatore to the USA, with an intention to exploit and take unfair advantage of the plaintiff’s well-established brand name and reputation.

6.2. The defendant, M/s.Damodar Foods of Coimbatore, denied the allegations and contended that it was only a job-worker manufacturing snacks such as hot mixture, plain boondhi, masala boondhi, madras mixture, and spicy round murukku under an exclusive agreement with M/s.Meenakshi Enterprises Inc./Meenakshi Overseas LLC, which is the registered proprietor of the mark Idhayam South Indian Delite in the United States. It was contended that the defendant merely manufactured and exported goods to Meenakshi Overseas LLC, which held valid registrations in the USA, and therefore there was no infringement. The defendant further submitted that the plaintiff had already

challenged these registrations in the USA and lost, and that the present suit was filed suppressing those facts.

6.3. The learned Single Judge, after considering the pleadings and evidence, framed issues including non-joinder of necessary party, suppression of material facts, and whether the defendant's acts amounted to infringement or passing off under Sections 29(6) and 56 of the Trade Marks Act. The Court found that the suit was bad for non-joinder of M/s Meenakshi Overseas LLC, the registered proprietor of the mark Idhayam South Indian Delite in the USA. It was also held that the products manufactured by the defendant were not identical to the plaintiff's goods, that the marks were not identical but had distinctive design and colour features, and that the goods were meant exclusively for export outside India. Even the pouch explicitly stated, "Export Pack – For Outside India."

6.4. Relying on Sections 29(6), 30(2)(b), and 56 of the Trade Marks Act, the learned Judge concluded that the plaintiff could not restrain the defendant from manufacturing and exporting goods under a validly registered foreign mark. The Court also noted suppression of prior US proceedings and the earlier rejection of a similar suit (C.S.No.726 of 2017) on grounds of relitigation. Accordingly, the suit was dismissed.

6.5 Assailing the dismissal of the suit and challenging the findings of the learned Single Judge, the plaintiff has filed O.S.A.(CAD) No.23 of 2022.

7. Facts in C.S.No.987 of 2017 & A.No.1705 of 2022 (O.S.A.No.139 of 2025)

7.1. The appellant/plaintiff, M/s. V.V.V. & Sons Edible Oils Limited, is a well-known manufacturer and marketer of edible oils carrying on business from Virudhunagar under the trademark "Idhayam." The plaintiff claimed that the mark "Idhayam" had acquired substantial goodwill and reputation through long, continuous, and extensive use in relation to edible oil products. The plaintiff further alleged that it discovered that the defendants were applying the impugned mark "Idhayam" and "Idhayam South Indian Delite" on products exported from India, thereby causing infringement and passing off.

7.2. Consequently, the plaintiff filed the suit seeking a permanent injunction restraining the defendants from manufacturing, preparing, marketing, selling, or exporting any products under the trademark "Idhayam," and from in any manner imitating the plaintiff's product name and brand name "Idhayam," which was alleged to be identical and/or deceptively similar to the plaintiff's

registered trademark. The plaintiff also sought rendition of accounts of profits earned by the defendants, damages of Rs.10,00,000/- for infringement and passing off, delivery up of all infringing materials for destruction, and costs of the suit.

7.3. The defendants denied the allegations. The first defendant contended that it was only a job-worker manufacturing under an exclusive agreement with Meenakshi Overseas LLC, the registered proprietor of the marks in the United States. The second defendant stated that it was only an agent/distributor in the USA. They argued that the plaintiff had already challenged these registrations in the USA and lost, and that the present suits were barred by res judicata and Order II Rule 2 CPC, since earlier suits (C.S.No.726 of 2017 and C.S.No.434 of 2017) had already been decided against the plaintiff.

7.4. The learned Single Judge, while considering A.No.1705 of 2022, examined the plea for rejection of the plaint under Order VII Rule 11 CPC. The Court found that the cause of action pleaded in C.S.No.987 of 2017 was identical to that in the earlier suits, that the plaintiff was attempting to re-litigate issues already decided, and that the plea of fraud was misconceived since the alleged misrepresentation was before the US trademark authorities and not by the defendants in India. In para 11, the Court observed as follows on cause of action:

> "While every sale of a product bearing the impugned mark constitutes a material fact in the bundle of facts constituting the cause of action and may therefore be relied upon for purposes of limitation, it cannot be said that the continued sale of products bearing the impugned marks by the defendant/s provide a distinct cause of action to the plaintiff. Therefore, the contention that the despatch of subsequent consignments of goods gives rise to a distinct cause of action is rejected."

7.5. In para 12, the Court further held that the suits were barred by res judicata, observing that any grievance regarding alleged fraud in obtaining registration in the USA should be pursued before the appropriate appellate authorities in the USA, and not by repeated suits in India. Accordingly, the plaint was rejected.

8. Facts in C.S.No.235 of 2020 & A.No.1706 of 2022 (O.S.A.No.140 of 2025)

8.1. The appellant/plaintiff, M/s V.V.V. & Sons Edible Oils Limited, a public limited company incorporated in India, is engaged in the manufacture and sale of sesame oil under the registered trade mark Idhayam. The plaintiff alleged that the defendant, M/s Damodar Foods of Coimbatore, was affixing the mark Idhayam on its products within India and exporting them abroad, thereby infringing the plaintiff's registered composite trade mark. The relief sought included a permanent injunction, damages of Rs.10,00,000/-, and costs.

8.2. The defendant denied the allegations and filed A.No.1706 of 2022 seeking rejection of the plaint under Order VII Rule 11 CPC. It contended that the plaintiff had already instituted earlier suits on the same cause of action, namely C.S.No.726 of 2017 and C.S.No.434 of 2017, both of which had been decided against the plaintiff. The defendant argued that the present suit was barred under Order II Rule 2 CPC and by res judicata, since the issues were substantially similar and had already been adjudicated. It was further submitted that the alleged fraud in obtaining registration in the USA was not attributable to the defendant, and that particulars of fraud were not properly pleaded.

8.3. The learned Single Judge, after hearing both sides, held that the cause of action pleaded in C.S.No.235 of 2020 was identical to that in the earlier suits, and that the plaintiff was attempting to re-litigate matters already decided. The Court categorically rejected the contention that subsequent consignments created a fresh cause of action, observing that such an interpretation would permit endless re-litigation. The plea of fraud was also rejected, since the alleged misrepresentation was before the US trademark authorities and not by the defendant in India.

8.4. Accordingly, the Court held that the suit was barred by res judicata and Order II Rule 2 CPC, and accordingly rejected the plaint. The present

appeal, O.S.A.No.140 of 2025, has been filed by the plaintiff challenging the rejection of the plaint and the findings of the learned Single Judge.

9. Assailing the dismissal of the suits and the rejection of the plaints by the learned Single Judges, the plaintiff has preferred O.S.A.Nos.63 & 64 of 2019, O.S.A.(CAD) No.23 of 2022, O.S.A.No.139 of 2025, and O.S.A.No.140 of 2025.

10. **Submissions of the learned Senior Counsel for the appellant**

10.1. Mr.P.S.Raman, learned Senior Counsel appearing for the appellant/plaintiff in O.S.A.Nos.63 and 64 of 2019, submitted that the order under appeal is not in accordance with law. He would further contend that the impugned order proceeds on the erroneous foundation that the second defendant/M/s.Shivaraja Impex Company was a permitted user of the appellant's trade mark and that the plaintiff had placed orders with the said defendant. This finding, it was urged, is wholly against the facts of the case, since none of the defendants were ever permitted users within the conjoint meaning of Sections 29, 30 and 56 of the Trade Marks Act, 1999.

10.2. The learned senior counsel would also contend that the first defendant/M/s.Meenakshi Overseas LLC had fraudulently obtained registration of the trade mark with the U.S. Trade Mark Registry by imitating the marks of well-known Indian companies, including the appellant. Such registration was obtained by misrepresentation, asserting that the word *Idhayam* has no meaning in any foreign language. The mark registered in the USA with such disclaimer is a nullity, and any legal proceedings based on it are non est factum. It was submitted that the plaint referred to the U.S. litigation only to demonstrate the conduct of the first defendant, and that such proceedings have no bearing on the appellant's registered trade mark in India, which was renewed on 28.12.2017. The orders of American courts, it was argued, are irrelevant to the relief sought in the present suits, which are confined to infringement of the appellant's registered trade mark in India.

10.3. The learned senior counsel would further contend that reliance on ***Crompton Greaves Limited Vs. Salzer Electronics Limited reported in*** *[2011 (6) CTC 157]* was misplaced. The ratio in ***Crompton Greaves*** was factually distinguishable, since in that case the defendants were permitted users, whereas here the defendants are unauthorized users. Similarly, ***K.K.Modi Vs. K.N.Modi and others reported in*** *[(1998) 3 SCC 573]* pertained to suppression and

re-litigation in a wholly different context, and is not applicable as there was no suppression of any material fact in the present suits.

10.4. It was finally contended that Section 30 of the Trade Marks Act, 1999 has no application, as the appellant never engaged or permitted the defendants to use its registered word mark *Idhayam* or composite mark *Idhayam Nallennai*. The cause of action arises from the defendants' unauthorized affixation of the appellant's registered mark in India, and the suits cannot be dismissed on the basis of foreign litigation or foreign registrations.

10.5. In the above circumstances, the learned senior counsel prayed to set aside the order dated 01.02.2019 passed in Application No.1948 of 2018 in C.S.No.726 of 2017, and allow the appeals in O.S.A.Nos.63 and 64 of 2019.

11.1. Insofar as O.S.A.No.23 of 2022 is concerned, the learned Senior Counsel appearing for the appellant/plaintiff, contended that the order under appeal is not in accordance with law. He submitted that the learned Single Judge failed to appreciate that the litigations pending in the United States have no bearing on the registered trade mark of the appellant in India or on the present suit. The appellant's rights are founded on its registration under the Trade Marks Act, 1999, and those rights cannot be diluted by reference to foreign proceedings.

11.2. The learned Senior Counsel further argued that the reliance placed on the ratio in ***Crompton Greaves v. Salzer Electronics Pvt. Ltd***. is misconceived. Neither the defendant nor its American principal are permitted users entitled to claim protection under that precedent. The ***Crompton Greaves*** case, he pointed out, was decided on a completely different factual matrix, where the defendant was a permitted user of the plaintiff's mark. The exception carved out in that case was peculiar to its facts and cannot be extended to the present dispute.

11.3. It was further submitted that the learned Single Judge erred in holding that there was suppression of material facts and re-litigation. It was contended that the question of suppression does not arise in the facts of the present case, since the alleged non-disclosure pertains to litigation between the plaintiff and the defendant's principal in the United States of America. That litigation in the USA pertains to a trademark dispute under United States law and is not connected in any way with the plaintiff's registered trademark in India, nor with the present action for infringement thereof.

11.4. The learned Senior Counsel emphasized that the appellant's grievance is infringement of its registered trade mark within India. The issue is whether the defendant affixed the mark in India, and if so, whether such affixture amounts to infringement under Section 29 of the Trade Marks Act, 1999. The appellant's mark is registered as a word mark, and any part of that word used by the defendant would amount to infringement.

11.5. He further submitted that the ratio in ***Crompton Greaves*** was wrongly applied to Section 56 of the Trade Marks Act. Section 56 deals with registration and continuance of registration, and has no bearing on infringement under Section 29. The learned Single Judge overlooked that Section 30(2)(e) requires both marks to be registered under Indian law, which is not the case here. The defendant cannot take shelter under that provision or under the ***Crompton Greaves*** precedent.

11.6. Finally, the learned Senior Counsel argued that the litigation in the USA, even if pending or concluded, does not affect the appellant's rights under its registered trademark in India. The relief sought in the present suit is distinct and independent, and there is no re-litigation. It was further submitted that the dismissal of the suit, inter alia, on the ground of non-joinder of a necessary party is unsustainable and warrants interference by this Court. Therefore, the

findings relating to suppression, re-litigation, and non-joinder of necessary party are liable to be set aside.

11.7 For all these reasons, it was submitted that the findings of suppression, re-litigation, and applicability of foreign registrations are erroneous, and that the judgment and decree dated 23.08.2021 in C.S.No.434 of 2017 are liable to be set aside.

12.1. In so far as O.S.A.Nos.139 and 140 of 2025 is concerned, learned senior counsel for the appellant would submit that the learned Single Judge erred in rejecting the plaints on the ground of res judicata and Order II Rule 2 CPC, without appreciating that the present litigation is based on the appellant's registered trade mark in India, whereas the litigations in the United States pertain to registrations under U.S. law and are wholly distinct.

12.2. The learned senior counsel emphasized that every export made by the respondents with the infringing mark constitutes a fresh cause of action, as each consignment results in independent financial loss to the appellant. The existence of an alternative remedy under Order XXXIX Rule 2A CPC does not bar the filing of a civil suit, since a civil suit is maintainable unless expressly or

impliedly barred by law. The present suit is neither expressly nor impliedly barred.

12.3. It was further submitted that the appellant's grievance is not directed against the trademark registered in the USA, but only to protect its registered trade mark under Indian law within the territory of India. Fraud unravels everything, and the registration obtained by the respondents' principal in the USA on the false declaration that the word Idhayam has no meaning in any language cannot be relied upon to defeat the appellant's rights in India.

12.4. Learned senior counsel argued that the finding of res judicata is inappropriate, since the present suits were filed during the subsistence of the earlier suit, based on separate consignments of goods exported. The litigations in the USA are not even remotely connected with the present suit, which is confined to infringement under Indian law. Reliance on ***Crompton Greaves v. Salzer Electronics Pvt. Ltd.*** was misplaced, as the factual matrix there involved permitted users and non-deceptively similar marks, whereas here the respondents are unauthorized users affixing the appellant's registered mark in India for export.

12.5. For all these reasons, the learned Senior Counsel submitted that the findings of suppression, re-litigation, and res judicata are erroneous, and that the judgments and decrees dated 01.09.2022 in C.S.No.987 of 2017 and C.S.No.235 of 2020, whereby the suits were rejected on the applications filed by the defendants, are liable to be set aside.

12.6. In support of his contentions, the learned senior counsel has cited the following judgments:-

(i) ***M/S FRIENDS OVERSEAS VS SWADI PRODUCT U.K. LTD. & ORS*** *[I.A.No.6094 of 2010 & I.A.No.8683 of 2010 in C.S.(OS)No.889 of 2010, Delhi High Court, dated 02.07.2012]*

(ii) ***CADILA PHARMACEUTICALS LIMITED VS MADLEY LABORATORIES*** *[(2011)SCC OnLine Bom 484]*

(iii) ***MAHENDRA AND MAHENDRA PAPER MILLS LTD VS MAHINDRA AND MAHINDRA LTD*** *[AIR(2002)SC117]*

(iv) ***K.K.MODI VS K.N.MODI AND ORS.*** *[MANU/SC/0092/1998]*

(v) ***CROMPTON GREAVES LIMITED AND ORS VS SALZER ELECTRONICS LIMITED AND ORS.*** *[MANU/TN/0470/2011]*

(vi) ***CROMPTON GREAVES LIMITED AND ORS VS SALZER ELECTRONICS LIMITED AND ORS.*** *[MANU/TN/2862/2011]*

(vii) ***KAMALA AND ORS VS K.T. ESHWARA SA AND ORS.*** *[AIR(2008) SC 3174]*

(viii) ***ALPANA GUPTA THROUGH POWER OF ATTORNEY HOLDER VS APG TOWERS PVT LTD AND ANR. APG TOWERS PRIVATE LTD VS ALPANA GUPTA AND ANR.***
[AIR(2019) SC(Supp)1362]

(ix) ***KUM. GEETHA, D/O LATE KRISHNA VS NANJUNDASWAMY AND ORS*** *[AIR(2023) SC 5516]*

13. *Per contra,* Mr.P.V.Balasubramaniam, learned Senior Counsel appearing for the first respondent, M/s Meenakshi Overseas LLC of USA ("foreign trader"), submitted that the said respondent is the registered proprietor of the trade mark *Idhayam* in the United States, having lawfully obtained registration in USA. The appellant had already challenged such registration before the United States Patent and Trademark Office and subsequently before the United States District Court, Eastern District of California, but both proceedings ended against the appellant. It was therefore contended that the present suits in India amounted to suppression of material facts and an attempt at re-litigation. Learned counsel further submitted that the plaint disclosed no cause of action within India, since the alleged infringing acts were confined to the United States. On these grounds, he supported the rejection of the plaints under Order VII Rule 11 CPC, contending that the appellant was attempting to re-agitate issues already adjudicated abroad. It was further submitted that the suit itself was liable to be dismissed as being barred by the principles of res

judicata and abuse of process of Court. The learned Judge, upon a proper appreciation of the facts and materials placed on record, rightly rejected the plaints and consequently dismissed the suits, warranting no interference by this Court. In support of his contentions, the learned senior counsel relied upon the following judgments:-

(i) ***NAWAL KISHORE SHARMA VS UNION OF INDIA AND ORS*** *[(2014)9 SCC 329]*

(ii) ***MYTRAH ENERGY (INDIA) LIMITED VS GAMESA RENEWABLE PRIVATE LIMITED & OTHERS.*** *[(2016) 4 LW 86]*

(iii) ***SYED MOHAMED SALAHUDDIN AND OTHERS VS AHMED ABDULLA AHMED AI GHURAIR AND OTHERS*** *[(2018) SCC Online Mad 13511]*

(iv) AHMED ABDULLA AHMED AL GHURAIRVS STAR HEALTH & ALLIED INSURANCE COMPANY LIMITED AND ORS. *[(2019)13 SCC 259]*

(v) ***M/s V.V.V.&SONS EDIBLE OILS LIMITED VC M/S DAMODAR FOODS, COIMBATORE*** *[CDJ (2021) MHC 3833]*

14. Mr.K.Harishankar, learned Counsel appearing for the third respondent in O.S.A.No.63 of 2019, for the first respondent in O.S.A.No.139 of 2025, and as sole respondent in O.S.A.(CAD) No.23 of 2022 and O.S.A.No.140 of 2025, submitted that the respondent company, M/s Damodar Foods of Coimbatore (“manufacturer/packer”), was merely a job-worker manufacturing and exporting snacks under an exclusive agreement with M/s.Meenakshi Overseas LLC,

which held valid registrations of the mark in the United States. It was argued that the suits were bad for non-joinder of Meenakshi Overseas LLC, the foreign trademark holder, and therefore not maintainable. Learned counsel emphasized that the products manufactured by Damodar Foods were not identical to the appellant's sesame oil, and the marks used carried distinctive design and colour features. Since the goods were meant exclusively for export outside India, reliance was placed on Sections 29(6), 30(2)(b), and 56 of the Trade Marks Act to contend that the appellant could not restrain Damodar Foods from manufacturing and exporting goods under a validly registered trade mark. He further submitted that the appellant had already lost similar suits, namely C.S.No.726 of 2017 and C.S.No.434 of 2017, and the present suits were barred by res judicata and Order II Rule 2 CPC. The plea of fraud was also rejected, as any alleged misrepresentation was before the U.S. trademark authorities and not attributable to Damodar Foods in India. Hence, the learned counsel submitted that the appeals are devoid of merit and prayed for their dismissal.

15. As regards the second respondent in O.S.A.No.63 of 2019, M/s. Shivaraja Impex Company, Virudhunagar ("exporter"), there was no appearance. Likewise, in O.S.A.No.139 of 2025, the second respondent, M/s.R.R. Global Enterprises, USA ("importer/distributor"), was not ready in notice.

16. Heard both sides and perused the materials available on record.

17. According to the plaintiff, the mark *Idhayam* has been registered in India since 1986 and possesses substantial goodwill both within the country and abroad. The plaintiff asserts that the defendants have affixed the impugned mark in India for export, which according to the plaintiff amounts to infringement of its statutory rights. It is further contended that the registration obtained by Meenakshi Overseas LLC in the United States was fraudulent, secured by misrepresentation that the word *Idhayam* has no meaning, whereas in Tamil it signifies "heart." The plaintiff contends that each export consignment constitutes a fresh cause of action, and that suppression or re-litigation cannot be alleged since the U.S. proceedings are distinct and governed by foreign law. Reliance is placed on Sections 29(6) and 56 of the Trade Marks Act to argue that unauthorized affixation of the registered mark in India amounts to infringement.

18.1. According to the defendants, Meenakshi Overseas LLC is the lawful proprietor of the mark *Idhayam* in the United States, having obtained valid registration there. The appellant had already challenged such registration before the USPTO and the U.S. District Court, but failed. Hence, the present suits amount to suppression of material facts and re-litigation, disclosing no cause of action within India.

18.2. Damodar Foods submits that it is only a job-worker manufacturing and exporting snacks under agreement with Meenakshi Overseas LLC, which holds valid registrations abroad. The suits are bad for non-joinder of the foreign proprietor, and the products manufactured are not identical to the plaintiff's sesame oil. Since the goods are meant exclusively for export, reliance is placed on Sections 29(6), 30(2)(b), and 56 of the Trade Marks Act. It is further urged that the appellant has already lost similar suits, and the present proceedings are barred by res judicata and Order II Rule 2 CPC. The plea of fraud is also rejected, as any alleged misrepresentation was before the U.S. trademark authorities and not attributable to Damodar Foods in India.

19. The admitted facts of the case are that the plaintiff is the registered proprietor of the mark *Idhayam* in India, while Meenakshi Overseas LLC holds registration of the same mark in the United States. The defendants are engaged in manufacturing, packing, and exporting goods under arrangements with the said foreign proprietor. The first and foremost submission of the learned senior counsel for the appellant is that unauthorized affixation of the registered mark in India for export constitutes infringement under Sections 29(6) and 56 of the Trade Marks Act, and that foreign registrations cannot defeat rights under Indian law. The learned Senior Counsel for the respondents, however, submits

that the suits are barred by suppression, re-litigation, res judicata, and non-joinder of necessary party; that the cause of action is confined to acts outside India; and that the plaintiff cannot restrain exports made under a validly registered foreign mark.

20. The present batch of appeals arises from orders rejecting the plaints under Order VII Rule 11 of the Code of Civil Procedure and a judgment and decree passed in the connected suit. The question that arises for consideration is whether the impugned orders and judgment are sustainable in law in the light of the scope of Order VII Rule 11 CPC and the rival contentions raised by the parties, including those relating to maintainability of the suits, alleged suppression of material facts, re-litigation, res judicata, Order II Rule 2 CPC, and the alleged infringement of the registered trademark “Idhayam”.

21. **O.S.A.Nos.63 and 64 of 2019**

21.1. The principal ground on which the plaint in C.S.No.726 of 2017 came to be rejected was that the plaint did not disclose a cause of action. However, a careful perusal of the plaint, particularly paragraph No.8 thereof, clearly discloses the bundle of facts constituting the cause of action pleaded by the plaintiff. For better appreciation, paragraph No.8 of the plaint is extracted hereunder:-

> "The 1st defendant is a company incorporated in the USA. It is its practice to obtain registration of trademark in the USA, in the trademarks of Indian companies, established/obtained here. For example, the 1st defendant has obtained trademark registration with reference to Bournvita, Limca and other brands in India. It has also obtained a trademark with reference to 'Idhayam' in the USA, as if the word 'Idhayam' does not have any meaning in any of the languages in the world. The trademark obtained by the 1st defendant with reference to the mark Rasna was challenged and the registration of trademark was withdrawn. Even though the plaintiff is selling sesame oil under its brand name and trademark 'Idhayam' in the USA since 1998, the 1st defendant has obtained trademark registration with reference to the 'Idhayam' mark in the USA, subsequently, though the plaintiff challenged the said trademark registration, on account of various difficulties, it fell into default. Now, the plaintiff has moved the appellate Court, where the matter is pending consideration, regarding the delay in preferring the same. Though the 1st defendant has registered the trademark 'Idhayam' in the USA, still the plaintiff is the earlier user of the mark in the USA, on account of its export to the said country from 1998 onwards."

The above averments, read as a whole, cannot be said to be lacking in material facts constituting a cause of action. It is well settled that cause of action is a bundle of facts which the plaintiff is required to prove in support of the relief sought, and the same has to be gathered from the plaint in its entirety. Therefore, rejection of the plaint on the ground of non-disclosure of cause of action was not justified.

21.2. Insofar as the foreign litigation is concerned, admittedly, certain proceedings relating to registration and use of the mark were pending before the Courts/authorities in the United States during the relevant point of time. However, the present suit has not been filed seeking any restriction against the sale of goods in the United States. The cause of action pleaded in the plaint and

the leave obtained by the plaintiff disclose only that the Indian traders are allegedly affixing the impugned mark upon products within India and exporting the same to the United States.

21.3. Admittedly, the first respondent is carrying on business only in the United States, whereas the second and third respondents are alleged to be affixing the impugned mark upon the products within India and exporting the same. Whether the plaintiff is entitled to the reliefs sought for or not can be decided only after a full-fledged trial and appreciation of evidence.

21.4. It is a settled proposition of law that while dealing with an application under Order VII Rule 11 CPC, the plaint can be rejected only if, from the averments contained therein, it does not disclose a cause of action, or if the suit appears to be barred by any law, or on any of the other grounds specifically mentioned under Order VII Rule 11 CPC. While considering such an application, the Court is required to examine only the averments made in the plaint and not the defence raised by the defendants.

21.5. Whether there was deliberate suppression of material facts and whether such suppression is sufficient to non-suit the plaintiff are matters requiring adjudication upon evidence and cannot ordinarily be conclusively determined at the stage of Order VII Rule 11 CPC unless such suppression is apparent from the plaint itself.

21.6. The reliance placed on the judgment in ***K.K. Modi v. K.N. Modi*** is distinguishable on facts. The principles laid down therein relating to abuse of process of Court and re-litigation are well settled; however, the said decision arose in a different factual context concerning arbitral proceedings and allegations of misuse of judicial process in repeated proceedings. The applicability of the said ratio to the facts of the present case, at the stage of consideration of an application under Order VII Rule 11 CPC, is therefore limited and cannot be applied in a mechanical manner without reference to the pleadings in the plaint.

21.7. In the present case, the plaintiff has instituted the suits alleging that the respondents are affixing the impugned mark upon the products within India and exporting the same to the United States, which according to the plaintiff constitutes infringement of its registered trade mark. Whether such allegation is ultimately established or whether the plaintiff is entitled to the reliefs sought for are matters to be decided only upon appreciation of evidence during trial. Therefore, while considering the application under Order VII Rule 11 CPC, the enquiry ought to have been confined only to the averments made in the plaint. The learned Single Judge, in the considered view of this Court, travelled beyond

the permissible scope of enquiry under Order VII Rule 11 CPC by taking into consideration the defence raised by the respondents and the disputed factual issues arising out of the foreign proceedings.

21.8. Accordingly, this Court is of the considered view that the order passed by the learned Single Judge rejecting the plaint in C.S.No.726 of 2017 is legally unsustainable and liable to be set aside.

21.9. Consequently, O.S.A.Nos.63 and 64 of 2019 are allowed and the order passed by the learned Single Judge rejecting the plaint in C.S.No.726 of 2017 is set aside. The matter is remitted back to the learned Single Judge for fresh consideration. If written statements have already been filed, the learned Single Judge shall frame necessary issues and proceed with the suit in the manner known to law. The suit shall thereafter be decided on its own merits and in accordance with law after affording sufficient opportunity to the parties to let in oral and documentary evidence.

22. O.S.A.Nos.139 and 140 of 2025

22.1. The learned Single Judge rejected the plaints mainly on the grounds that the suits were barred by res judicata under Section 11 CPC and by Order II Rule 2 CPC. In the considered view of this Court, such findings could not have

been recorded at the stage of considering an application under Order VII Rule 11 CPC.

22.2. It is an admitted fact that the earlier suit in C.S.No.434 of 2017 came to be decided on merits, after a full-fledged trial, only by judgment dated 23.08.2021. The appeal in O.S.A.(CAD)No.23 of 2022 filed against the said judgment is also being considered in the present batch of appeals. The present suits, namely C.S.Nos.987 of 2017 and 235 of 2020, which form the subject matter of these appeals, had been instituted much prior to the disposal of C.S.No.434 of 2017. Therefore, on the respective dates of institution of these suits, C.S.No.434 of 2017 was still pending adjudication.

22.3. In order to attract the bar under Section 11 CPC, the issue must have been directly and substantially in issue in the former suit between the same parties, and the said former suit must have been finally decided by a competent Court. In the present case, on the dates of institution of the present suits in C.S.Nos.987 of 2017 and 235 of 2020, C.S.No.434 of 2017 was still pending adjudication.

22.4. At this stage, it would be useful to refer to Section 10 CPC:

> *"Section 10 CPC (Stay of suit): No Court shall proceed with the trial of any suit in which the matter in issue is also directly and substantially in issue in a previously instituted suit between the same parties, or between parties under whom they or any of them claim litigating under the same title, where such suit is pending in the same or any other Court in India having jurisdiction to grant the relief claimed, or in any Court beyond the limits of India established or continued by the Central Government and having like jurisdiction, or before the Supreme Court.*

22.5. Equally, the question whether the present suits are barred under Order II Rule 2 CPC would require fuller examination and adjudication. Whether the causes of action pleaded in the present suits are identical to those in the earlier proceedings, whether the subsequent acts complained of constitute continuing wrong, and whether the reliefs now sought ought to have been claimed in the earlier proceedings are all mixed questions of fact and law which cannot ordinarily be decided at the threshold under Order VII Rule 11 CPC.

22.6. It is well settled that while considering an application under Order VII Rule 11 CPC, the Court must confine itself to the averments in the plaint

and the documents relied upon by the plaintiff. The defence taken by the defendants cannot ordinarily be gone into at that stage.

22.7. Order VII Rule 11 CPC can be invoked only where the plaint does not disclose a cause of action or where, on the face of the plaint itself, the suit appears to be barred by any law. Whether the claim is ultimately sustainable or not is a matter for trial.

22.8. In the present case, the plaints disclose necessary material facts constituting a cause of action. The alleged bar under Section 11 CPC or Order II Rule 2 CPC is not apparent from the plaint averments alone so as to justify rejection at the threshold.

22.9. The learned Single Judge, with respect, exceeded the limited scope of enquiry under Order VII Rule 11 CPC by entering into disputed questions which require evidence and full trial.

22.10. Accordingly, the orders rejecting the plaints in C.S.Nos.987 of 2017 and 235 of 2020 are set aside and the appeals are allowed. The matters are remitted to the learned Single Judge for fresh consideration in accordance with law. If written statements have already been filed, the learned Single Judge shall frame necessary issues and proceed with the suit in the manner known to law. The suit shall thereafter be decided on its own merits and in accordance with law after affording sufficient opportunity to the parties to let in oral and documentary evidence.

23. O.S.A. (CAD) No.23 of 2022

23.1. A reading of the judgment passed by the learned Single Judge in C.S.No.434 of 2017 would show that the following issues were framed for consideration:

> "(i) Whether the suit is bad for non-joinder of necessary party?
>
> (ii) Whether the plaint suffers with suppression of material facts?
>
> (iii) Whether the products of the defendant carrying the registered trademark of the plaintiff for a different class of goods in the Schedule of Trade Marks Rules for sale at USA would constitute passing off as per law?
>
> (iv) Whether the defendant, who is a job worker for the registered trademark owner at USA be made liable for infringement/passing off in the light of Sections 29(6), 30(2)(b) and 56 of the Trade Marks Act, 1999?

(v) To what other relief the plaintiff is entitled?"

23.2. A careful reading of the judgment would further show that substantial emphasis had been placed by the learned Single Judge on the non-impleadment of M/s.Meenakshi Overseas LLC as a party to the suit. The learned Single Judge proceeded on the footing that since the said entity was holding registration in the United States of America in respect of the marks in question, its presence was necessary for effective adjudication of the disputes involved in the suit.

23.3. The learned Single Judge had also taken note of the fact that in certain connected proceedings between the parties, M/s.Meenakshi Overseas LLC had already been impleaded as a party, whereas in C.S.No.434 of 2017 the said entity had not been impleaded. Proceeding mainly on the said reasoning, the suit ultimately came to be dismissed.

23.4. The principal contention of the plaintiff throughout has been that, although the products are ultimately marketed in the United States of America, the manufacture and export of goods from India bearing the impugned marks would still constitute a cause of action within India in relation to the alleged infringement of the plaintiff's registered trade mark.

23.5. Order I Rule 9 CPC specifically provides that no suit shall be defeated by reason of the mis-joinder or non-joinder of parties, and further provides that the Court may in every suit deal with the matter in controversy so far as regards the rights and interests of the parties actually before it, except in the case of non-joinder of a necessary party.

23.6. Order I Rule 10(2) CPC further empowers the Court, at any stage of the proceedings, either upon or without an application, to add any person as a party whose presence before the Court may be necessary in order to enable the Court to effectively and completely adjudicate upon and settle all the questions involved in the suit.

23.7. Therefore, even assuming that M/s.Meenakshi Overseas LLC was a necessary party for the effective adjudication of the disputes involved in the suit, the proper course would have been, in order to meet the ends of substantial justice, to direct the impleadment of the said party and thereafter proceed with the adjudication of the suit in accordance with law.

23.8. It is also relevant to note that in the connected proceedings arising between the parties, M/s.Meenakshi Overseas LLC had already been impleaded as a party. The appeals arising out of those proceedings have also been taken up along with the present appeals and are being disposed of by this common judgment.

23.9. This Court is conscious of the fact that C.S.No.434 of 2017 was decided after a full-fledged trial on issues relating to non-joinder of a necessary party, suppression of material facts, passing off in respect of goods exported to the United States of America, the liability of a job-worker under Sections 29(6), 30(2)(b) and 56 of the Trade Marks Act, 1999, and the consequential reliefs sought by the plaintiff.

23.10. Ordinarily, a judgment rendered after a full-fledged trial would not warrant interference merely because connected proceedings are pending. However, it is necessary to note that the plaints in C.S.No.726 of 2017, C.S.No.987 of 2017 and C.S.No.235 of 2020 came to be rejected at the threshold on grounds including absence of cause of action, suppression of material facts, re-litigation, res judicata and Order II Rule 2 CPC. As discussed in the preceding paragraphs, this Court has set aside the orders rejecting the plaints in the connected suits and restored those suits for adjudication on merits. Consequently, the disputes between the parties in relation to the same trademark and substantially interconnected issues are now required to be examined afresh by the learned Single Judge. It is also relevant to note that C.S.No.987 of 2017 and C.S.No.235 of 2020 had been instituted much prior to the disposal of C.S.No.434 of 2017. Therefore, on the respective dates of institution of the said

suits, C.S.No.434 of 2017 was admittedly pending adjudication. In order to attract the bar under Section 11 CPC, the former suit must have been finally decided by a competent Court.

23.11.Further, while deciding C.S.No.434 of 2017, the learned Single Judge observed that though Section 29(6) of the Trade Marks Act contemplates infringement by affixing a registered trade mark on goods or their packaging and by export under the mark, the issue would have to be considered in conjunction with Sections 30(2)(b) and 56 of the Act and that, for a complete and effective adjudication of the dispute, M/s.Meenakshi Overseas LLC was a necessary party. The learned Single Judge ultimately proceeded on the footing that the absence of the said entity materially affected the adjudication of the issues involved in the suit. This Court finds that the issues relating to the effect of the foreign registration obtained by M/s.Meenakshi Overseas LLC, the alleged infringement said to have occurred within India by affixture of the mark on goods intended for export, the applicability of Sections 29(6), 30(2)(b) and 56 of the Trade Marks Act, and the maintainability of the suits are common and substantially interconnected questions arising in all the connected proceedings. It is also pertinent to note that, except C.S.No.434 of 2017, none of the connected suits proceeded to trial on merits. While one suit came to be rejected at the threshold on the grounds of absence of cause of action, suppression of

material facts and re-litigation, the other suits came to be rejected on the grounds of res judicata and Order II Rule 2 CPC. Since the learned Single Judge himself found that M/s.Meenakshi Overseas LLC was a necessary party for complete and effective adjudication of the controversy, the findings recorded on the substantive issues cannot be regarded as constituting a complete and effective adjudication of the dispute in the absence of such party. Accordingly, the principal issues involved in the dispute have not been adjudicated with the participation of all parties whose presence was considered necessary for a complete and effective determination of the controversy.

23.12. In such circumstances, whether the plaintiff is entitled to the reliefs sought, whether the acts complained of constitute infringement or passing off, what is the effect of the foreign registration obtained by M/s.Meenakshi Overseas LLC, and whether the defences raised by the respondents are legally sustainable, are matters which can be effectively determined only upon a comprehensive consideration of the pleadings, documents and evidence that may be adduced by all parties concerned. Since the connected suits have now been restored for adjudication on merits and the issues arising therein are substantially interconnected with those involved in C.S.No.434 of 2017, this Court is of the view that the interests of justice would be better served by permitting all the disputes between the parties to be adjudicated together after

affording an opportunity to implead M/s.Meenakshi Overseas LLC, whose presence was found by the learned Single Judge to be necessary for a complete and effective adjudication of the controversy. Having regard to the nature of the issues involved and their interrelationship, it would be appropriate that all the connected proceedings are decided together so that the entire controversy between the parties may be comprehensively adjudicated upon. Therefore, in order to secure a complete and effective adjudication of the disputes involved, the judgment and decree dated 23.08.2021 passed in C.S.No.434 of 2017 are also liable to be set aside and the suit remitted for fresh consideration along with the connected matters in accordance with law.

23.13. Liberty is granted to the plaintiff to take appropriate steps for impleading M/s.Meenakshi Overseas LLC as a party in C.S.No.434 of 2017, if so advised.

24. Result

24.1. In the result, all the appeals are allowed.

24.2. O.S.A.Nos.63 and 64 of 2019 are allowed and the orders passed by the learned Single Judge rejecting the plaint in C.S.No.726 of 2017 are set aside. Consequently, C.S.No.726 of 2017 is restored to file and remanded for fresh consideration and disposal on merits, in accordance with law.

24.3. O.S.A.Nos.139 and 140 of 2025 are allowed and the orders rejecting the plaints in C.S.Nos.987 of 2017 and 235 of 2020 are set aside. The suits are restored to file and remitted to the learned Single Judge for trial and disposal on merits, in accordance with law.

24.4. O.S.A.(CAD)No.23 of 2022 is allowed and the judgment and decree dated 23.08.2021 in C.S.No.434 of 2017 are set aside. The suit is remitted to the learned Single Judge for fresh adjudication and disposal on merits, in accordance with law.

24.5. All suits shall be tried afresh in accordance with law after framing of appropriate issues and affording opportunity to both parties to adduce oral and documentary evidence.

24.6. Liberty is granted to the plaintiff to implead M/s.Meenakshi Overseas LLC in the connected suits.

24.7. The learned Single Judge may, if found appropriate, direct a joint trial / simultaneous trial of the connected suits in order to avoid conflicting findings.

24.8. It is made clear that this Court has not expressed any final opinion on the merits of the rival claims and all questions of fact and law are left open to be decided by the learned Single Judge in accordance with law and on the basis

of the pleadings and evidence that may be adduced by the parties, uninfluenced by any observations contained in this judgment.

24.9. There shall be no order as to costs. Connected miscellaneous petitions are closed.

[P.V.J.,] [K.G.T.J.,]
05 / 06 / 2026

Index:Yes
Speaking order
Internet:Yes
Neutral Citation:Yes.

r n s

To

The Sub Assistant Registrar,
(Original Side)
Madras High Court,
Chennai.

P.VELMURUGAN J.
AND
K.GOVINDARAJAN
THILAKAVADI J.

O.S.A.No.63 of 2019, O.S.ANo.64 of 2019 &
OSA(CAD) No.23 of 2022 &
O.S.A.No.139 of 2025, O.S.A.No.140 of 2025 &
C.M.P.Nos. 6021 of 2019 & 2952 of 2022

05 /06 / 2026