



2026:KER:68191

CRP NO.284 OF 2025

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IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR.JUSTICE MOHAMMED NIAS C.P.

TUESDAY, THE 8TH DAY OF SEPTEMBER 2026 / 17TH BHADRA, 1948

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AGAINST THE ORDER DATED 23.07.2025 IN IA 3/2025 IN OS
NO.6 OF 2024 OF I ADDITIONAL DISTRICT COURT, KOZHIKODE.

REVISION PETITIONER(S) / PETITIONERS / DEFENDANTS:

- 1 M/S.CUTIS INTERNATIONAL COSMETICS CLINIC LTD
COMPANY
REP.BY ITS MANAGING DIRECTOR SHAJEER
MANCHINCERY,1/1136, SRIDHAR DIACARE, 2ND FLOOR, BG
ROAD, CHAKKAROTHKULAM, NADAKKAVU KOZHIKODE
AMSOMDESOM, KOZHIKODE TALUK, PIN - 673007
- 2 SHAJEER MANCHINCERY
AGED 37 YEARS
1/1136, SRIDHAR DIACARE, 2ND FLOOR, BG ROAD,
CHAKKAROTHKULAM, NADAKKAVU KOZHIKODE AMSOM DESOM,
KOZHIKODE TALUK, PIN - 673007
- 3 SHAYISTA PANTHA PULAN
AGED 32 YEARS
1/1136, SRIDHAR DIACARE, 2ND FLOOR, BG ROAD,
CHAKKAROTHKULAM, NADAKKAVU KOZHIKODE AMSOMDESOM,
KOZHIKODE TALUK, PIN - 673007

BY ADVS.

SHRI.ANILKUMAR V. (VAZHARAMBIL)

SHRI.KIRAN JOHNY



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RESPONDENT(S) /RESPONDENT/PLAINTIFF:

M/S.CUTIS INSTITUTE OF MEDICINE AND SURGERY PRIVATE
LIMITED
A PRIVATE LIMITED COMPANY REP.ITS MANAGING DIRECTOR
DR.PRASSANNA KUMAR S, S/O. N S MENON, AGED 71
YEARS, HAVING ITS REGD.OFFICE AT 24/1599 A B,
PRINSTINEGRADENS, THONDAYAD BYE PASS JUNTION,
SREENELLIKODE VISHNU TEMPLE ROAD,
CHEVAYURAMSOMDESOM KOZHIKODE TALUK,
PIN - 673016

BY ADVS.
SRI.SERGI JOSEPH THOMAS
SHRI.SANDEEP P.
SHRI.MADHAV P. SANDEEP

THIS CIVIL REVISION PETITION HAVING BEEN FINALLY HEARD ON
08.09.2026, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:



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'C.R'**ORDER**

The petitioner challenges the order dated 23.07.2025 in IA No.03 of 2025 in OS No.06 of 2024, passed by the Additional District Court, Kozhikode, rejecting his contention on the maintainability of the suit filed by the respondent herein. The said suit was filed for prohibitory injunction and damages alleging that the defendants were infringing the registered Trade Mark of the plaintiff.

2. The estimated value for the relief of prohibitory injunction was valued at Rs.1000/- and the amount claimed as damages was Rs.5,00,000/-. Thus, the total jurisdictional value shown in the plaint was Rs.5,10,000/-.

3. The contention raised by the revision petitioner was that though a suit can be instituted before the District Court, it cannot be tried there and places reliance on Section 9 of the Code of Civil Procedure, 1908 and Section 11(2) of the Kerala Civil Courts Act, 1957 to



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contend that, going by the pecuniary value, the suit can only be tried by a Munsiff Court and not by a District Court.

4. Section 9 CPC does not, by itself, contemplate a distinction between the court in which a suit is instituted and the court which has jurisdiction to try it. Section 9 CPC does not conceive of a jurisdictional vacuum between the court of institution and the court of trial. The court which is competent to entertain the suit under the scheme of CPC is, subject to a lawful transfer under the code or any other special enactment, the court competent to adjudicate it. The distinction between the place of institution and a court of trial can arise only as a consequence of a subsequent transfer or a special statutory provision, and it cannot be founded merely upon Section 9 CPC itself.

5. Section 134 of the Trade Marks Act stipulates that no suit shall be instituted in any court inferior to a District Court having jurisdiction to try the suit means that a trade mark infringement suit cannot be instituted before a court below the District Court merely because, on valuation, that lower court would ordinarily possess the pecuniary



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jurisdiction. Given the above, the District Court, for the purposes of Section 134, has to be regarded as the lowest grade competent court to try a trade mark suit, under Section 15 CPC. To hold otherwise would result in a court inferior to the District Court ultimately trying a suit which Section 134 expressly prohibits from being instituted and would render the statutory mandate that the suit be instituted before a District Court largely otiose. The interpretation sought to be placed by the petitioner is difficult to sustain textually and structurally.

6. It is also relevant to note that Section 134 speaks of the District Court having jurisdiction to try the suit, and therefore institution and trial cannot be seen as separate, more so when the legislature itself declared that a court inferior to the District Court is not competent to try such a suit. The word, "having jurisdiction" does not necessarily mean, "having pecuniary jurisdiction". Thus, Section 134 must be taken as a special jurisdictional provision, overriding the ordinary CPC position to the extent specified. In any view of the matter, Section 134 of the Trade Marks Act does not contemplate a suit being instituted in a



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District Court merely as a matter of form and thereafter being transferred to a court inferior to the District Court for trial on the ground of pecuniary jurisdiction.

7. Given the above, there cannot be any doubt whatsoever that the only court where the plaintiff could have instituted the suit was the District Court. That apart, in exercise of the powers conferred by Sub-sections (1), (1-A) and (2) of Section 3 of the Commercial Courts Act, 2015 (Central Act 4 of 2016), the Government of Kerala in consultation with the High Court of Kerala designated all District Courts and Additional District Courts in the State as Commercial Courts at the District Judge level for the purpose of exercising jurisdiction and powers conferred under the said Act, to deal with those commercial disputes arising under the Arbitration and Conciliation Act, 1996, the Copyright Act, 1957, the Trademarks Act, 1999, the Patents Act, 1970 and any other statutes where the Principal Civil Court of original jurisdiction in a District has to adjudicate the disputes arising therefrom at the first instance. The Courts shall have jurisdiction over



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disputes with a specified value of not less than ten lakh, which was only regarding the Commercial Suits.

Accordingly, I do not find any merit in the objection raised on behalf of the revision petitioner and the revision will stand dismissed.

SD/-

**MOHAMMED NIAS C.P.,
JUDGE**

JJ

Judgment reserved	NA
Date of Judgment	08/09/26
Judgment dictated	08/09/26
Draft judgment placed	08.09.26
Judgment Corrected	10/09/26
Final judgment uploaded	11/09/26