

IN THE HIGH COURT FOR THE STATE OF TELANGANA
AT HYDERABAD

THE HON'BLE SRI JUSTICE GADI PRAVEEN KUMAR

I.A.No.3 of 2026

IN/AND

CIVIL MISCELLANEOUS APPEAL No.161 of 2026

(CNR No.HBHC010265882026)

DATE:16.09.2026

Reserved on:03.09.2026

Pronounced on:16.09.2026

Uploaded on :16.09.2026

Between:

M/s. Vaidehi Agro Oils Private Limited and another

...Appellants /defendants

AND

M/s. Sri Tulasi Industries and another

...Respondents

JUDGMENT:

Heard Sri Ramesh Babu Vishwanathula, learned counsel for the appellants and Sri Vedula Venkata Ramana, learned Senior Counsel representing Sri P.Venkata Ramana, learned counsel for the respondent No.1.

2. The present Civil Miscellaneous Appeal is filed assailing the order dated 15.04.2026 passed in I.A.No.226 of 2025 in O.S.No.3 of

2025 by the learned Principal District Judge, Kamareddy (for short, "the Trial Court").

3. On 05.05.2026, in I.A.No.2 of 2026, this Court granted interim suspension of the impugned order dated 15.04.2026 and the same was extended from time to time.

4. I.A.No.3 of 2026 is filed by the respondent/plaintiff to vacate the interim order granted by this Court on 05.05.2026 in I.A.No.2 of 2026.

5. The appellants herein are the defendant Nos.1 and 2, the respondent No.1 herein is the plaintiff and respondent No.2 is the defendant No.3 in the suit in O.S.No.3 of 2025 filed before the Trial Court for permanent injunctions and also for damages.

6. The parties herein are referred to as per their array in the suit.

7. The brief facts of the case are that the plaintiff has been engaged in manufacturing and marketing different varieties of edible oils under the registered trademark label "Tasty Gold" since December 1, 2000. The plaintiff claims to hold valid and subsisting trademark registrations under Class-29 for edible oils vide Registration Nos. 3136998, 4039640, 5257288, and 5257289 and also holds copyright registrations for its distinctive artistic label features under Registration Nos. A-

139124/2021, A-147198/2023, and A-158527/2025. The plaintiff further claims to have built extensive reputation and goodwill over nearly two and a half decades through continuous use and significant advertising expenditures, achieving an annual sales turnover scaling up to nearly Rs. 500 crores. The plaintiff has discovered through market surveys that defendant Nos. 1 and 2 began marketing edible oils under the impugned trademark "Tasty Nutts" (or "Namaskar Tasty Nutts"). The allegation is that the defendants copied the dominant first syllable ("Tasty"), replaced "Gold" with "Nutts," and duplicated the artistic layout and red colour scheme to deceive illiterate and semiliterate consumers into believing the defendants' goods originated from the plaintiff firm.

8. On coming to know the same, the plaintiff issued a cease-and-desist notice to defendant No.1 on 06.03.2025 and filed O.S.No.3 of 2025 before the Principal District Judge at Kamareddy under Sections 27, 28, 29, 34, and 134 of the Trademarks Act, 1999, and Section 62 of the Copyright Act, 1957, seeking permanent injunctions against trademark infringement, copyright violation, and passing off.

9. Along with the suit, the plaintiff filed IA.No.226 of 2025 for temporary Injunction restraining defendants, their servants, subordinates, successors-in-interest and all others claiming under them

or acting in concert with them or at their instance from infringing statutory right of plaintiff's trademark "Tasty Gold" and IA.No.397 of 2025 seeking stay of the suit till the disposal of rectification/cancellation of Trademark Applications on the file of Registrar of Trademarks.

10. The defendant Nos.1 and 2 resisted the interlocutory injunction application stating that they are the manufacturers of edible operating under the registered umbrella brand "Namaskar" (such as "Namaskar" and "Namaskar Drop"). They adopted "Namaskar Tasty Nutts" specifically for a new variety of blended oil (groundnut and rice bran), using "Tasty Nutts" to indicate that the oil is produced from tasty nuts like groundnuts.

11. The defendant Nos.1 and 2 contended that the word "Tasty" is a common, descriptive word used globally to describe food items and quality and "Gold" is a standard laudatory term. They argued that the plaintiff cannot claim exclusive monopoly over the generic term "Tasty" or the combination "Tasty Gold" under Section 9 of the Trademarks Act, 1999. They further contended that their product packaging is entirely different from the plaintiff's label and when placed side by side, their packaging features original artistic work, a distinct pattern of design around "Tasty Nutts," a bowl of oil and rice plants with

groundnuts at the bottom, which bears no resemblance to the plaintiff's lady-cook logo or colour combinations. The defendants further contended they filed rectification and cancellation applications before the Registrar of Trademarks in Chennai against the plaintiff's registered trademarks Nos. 3136998 and 4039640 in Class 29 on 17.04.2025 with a contention that the plaintiff's registrations are invalid and contrary to the Trademarks Act. Further, claiming that the plaintiff's legal notices constituted groundless threats designed to kill competition in the edible oil market, defendant No.1 had filed O.S.No.02 of 2025 before the First Additional District Judge, Nalgonda under Section 142 of the Trademarks Act, 1999 and Section 60 of the Copyright Act, 1957 for permanent injunction along with I.A. No. 187 of 2025 for grant of temporary injunction.

12. The Trial Court on appreciation of the rival contentions of the parties held that the plaintiff proved prior adoption and continuous use of the "Tasty Gold" mark and labels since November 2000, much prior to the defendant's entry into the market. The statutory registrations (Exs. A1 to A8) and copyrights (Exs. A9, A10, A32) were found to be valid and subsisting, showing a strong prima facie case of acquiring statutory right. In response to the defendants' plea that "Tasty" is a generic word, the Court observed that edible oils are not direct-

consumption food items but cooking ingredients, and the combined mark "Tasty Gold" has acquired distinctiveness and secondary meaning through 25 years of extensive commercial use and heavy advertising expenditures (nearly Rs. 90 lakhs annually).

13. The Trial Court after comparing the rival marks, found that the defendants placed the umbrella term "Namaskar" in an insignificant, inconspicuous manner while giving massive prominence to "Tasty Nutts". Relying upon the ratio laid down by the Hon'ble Supreme Court in the cases of ***Kaviraj Pandit Durga Dutt Sharma v/s. Navaratna Pharmaceutical Laboratories¹***, ***Ruston and Hornby Limited v/s. Zamindara Engineering Company²***, and ***Amrit dhara Pharmacy v/s. Satya Deo Gupta³***, the Trial Court emphasized that the first syllable ("Tasty") is dominant for distinction and that the targeted consumer base is mostly illiterate and semiliterate buyers of edible oils, the visual red colour scheme, phonetic closeness, and trade dress similarity created a clear probability of deception and passing off. With the said observations, the trial court concluded that the necessary ingredients for granting temporary injunction are in favour of the plaintiff.

¹AIR 1965 SC 980

²AIR 1970 SC 1649

³AIR 1963 SC 449

14. Sri Ramesh Babu Vishwanathula, learned counsel for the appellants submits that the Trial Court failed to appreciate the settled principles governing deceptive similarity, viz., overall label comparison, phonetic similarity and visual distinction; that the appellants' mark prominently contains the distinctive and dominant expression "Namaskar Tasty Nutts" which clearly distinguishes it from the plaintiff's mark "Tasty Gold" and therefore, no likelihood of confusion arises.

15. Learned counsel further submits that the learned Trial Court erred in not considering that the word "Tasty" is widely used by several traders in Class 29 under the Trade Marks Act, 1999, and therefore, lacks distinctiveness and the plaintiff cannot claim exclusivity over such a common term and the finding to the contrary is erroneous and unsustainable.

16. Learned counsel also contends that it is well settled that the principle of trademark law that descriptive words cannot be monopolized unless they acquire distinctiveness, which is absent in the present case. It is further contended that the learned Trial Court ought to have held that the balance of convenience lies in favour of the appellants and that the impugned order unjustly restrains legitimate trade.

17. In support of his contention, learned counsel relied upon a decision of the Delhi High Court in the case of ***Vasundhra Jewellers Private Limited v/s. Kirat Vinodbhai Jadvani***⁴.

18. On the other hand, Sri Vedula Venkata Ramana, learned Senior Counsel representing Sri P.Venkata Ramana, learned counsel for the respondent No.1, learned counsel for the respondent No.1/plaintiff filed a counter-affidavit denying the averments made by the appellants and contending that as a prudent entrepreneur even before adopting Tasty Gold as a trademark, it had conducted extensive search in the market and only after ascertaining that no other person or entity has been using the same or has obtained registration thereof, the plaintiff had adopted the same in the year 2000 itself, which is being in use by the plaintiff continuously therefrom.

19. Learned counsel further submits that the *prima facie* case of both infringement and passing off actions have been established by it before the Trial Court and the balance of convenience is certainly in its favour and that the appellants having conceded that they have commenced using the impugned mark recently, no prejudice would be caused if they are restrained from using their impugned mark which is

⁴2022 SCC OnLine Del 2996

confusingly and deceptively similar to plaintiff's prior existing and registered trademark Tasty Gold.

20. Learned counsel has drawn the attention of this Court to the order dated 09.06.2021 passed in CMA No.496 of 2020 relating to similar trademark dispute between Tasty Gold and Tasty Drops and Tasty Plus of the respondents therein, wherein this Court held that the said marks of the respondents therein are same or similar to plaintiff's mark while granting injunction in its favour.

21. In support of his contentions, learned Senior Counsel relied upon the judgments of the Hon'ble Supreme Court in ***Kaviraj Pandit Durga Dutt Sharma's*** case (1 supra); ***N.R.Dongre v/s. Whirlpool Corporation***⁵; ***Laxmikant V. Patel v/s. Chetanbhat Shah***⁶; ***S.Syed Mohideen v/s. P.Sulochana Bai***⁷; ***Cadila Health Care Limited v/s. Cadila Pharmaceuticals Limited***⁸; ***Amrit dhara Pharmacy's*** case (2 supra); ***Parle Products Private Limited v/s. J.P. and Company, Mysore***⁹; ***M/s.Satyam Infoway Limited v/s. M/s. Sifynet Solutions Private Limited***¹⁰; ***Sri Tulasi Industries***

⁵1996 AIR SCW 3514

⁶MANU/SC/0763/2001

⁷2015 (4) R.A.J.488 (SC)

⁸AIR 2001 SC 1952

⁹AIR 1972 SC 1359

¹⁰AIR 2004 SC 3540

v/s. Sri Sapthagiri Industries¹¹; Midas Hygiene Industries Private Limited v/s. Sudhir Bhatia¹²; and Godfrey Philips India Limited v/s. Girnar Food and Beverages (P) Limited¹³.

22. I have given my earnest consideration to the submissions made by both the parties and perused the record.

23. The respondent/plaintiff had filed I.A.No.397 of 2025 under Section 124 of the Trade Marks Act, 1999, seeking stay of the proceedings in the suit pending disposal of the rectification/cancellation proceedings in respect of Trademark Application Nos.3136998 and 4039640 before the Registrar of Trade Marks, Chennai, and also seeking permission to enable defendant No.1 to apply for rectification of Trade Marks Nos.5257288 and 5257289. By order dated 15.04.2026, the learned Trial Court partially allowed the said application by staying the proceedings in the suit, while rejecting the other prayer. The said order has not been assailed by either party. The defendants, however, seek to rely upon the said order to contend that, once the Trial Court had found that the suit proceedings were required to be stayed under Section 124 of the Trade Marks Act, it could not have proceeded to grant an order of temporary injunction. The said contention cannot be

¹¹CMA No.496 of 2020 dated 09.06.2021

¹²2004 (28) PTC 121 (SC)

¹³2005 (30) PTC 1 (SC)

accepted in view of Section 124(5) of the Trade Marks Act, which expressly preserves the power of the Court to make interlocutory orders, including orders relating to temporary injunction, during the period of stay.

24. The respondent/plaintiff is a partnership firm engaged in manufacturing and marketing edible oils under the registered trademark "Tasty Gold" since the year 2000. The record discloses subsisting registrations under Class-29 and copyright registrations in respect of its artistic label. The plaintiff claims extensive use, goodwill and reputation in the said mark. Its case is that the appellants are marketing edible oils under the mark "Tasty Nutts"/ "Namaskar Tasty Nutts", which, according to the plaintiff, is deceptively similar to its registered mark and label.

25. It is an admitted fact that the plaintiff commenced manufacturing and marketing edible oils under the trademark "Tasty Gold" in the year 2000 and got it registered under application No. 1040153. The defendant No.1 obtained its initial FSSAI license (Form-C, License No. 13624999000120) for manufacturing edible oils on 01.03.2024 and defendant no.2 filed Trademark Application No. 6886132 in Class-29 for the word mark "Namaskar Tasty Nutts" on 03.03.2025. Thereafter, the defendants started marketing and selling its edible oils using the

word mark "Namaskar Tasty Nutts". Upon noticing the same, the plaintiff issued a notice dated 06.03.2025 to defendant No. 1 alleging trademark infringement and passing off by using the mark "Tasty Nutts".

26. A perusal of the above facts would establish that the even before the entry of defendant Nos.1 and 2 in the edible oil market, the plaintiff has been using "Tasty Gold" mark and labels since November 2000. The statutory registration of the trade mark of plaintiff under Exs.A1 to A8 and the copy rights registration under Exs.A9, A10 and A32 are found to subsisting as on this date. The plaintiff claims to have built extensive reputation and goodwill over nearly two and a half decades through continuous use and significant advertising expenditures, achieving an annual sales turnover scaling up to nearly Rs. 500 crores.

27. It is an admitted fact that the defendants began marketing edible oils under the impugned trademark "Tasty Nutts" (or "Namaskar Tasty Nutts") for selling its edible oil. The pivotal question before the Trial Court was to see that whether the packages of the defendant Nos.1 and 2 marketed by them was deceptively similar to that of plaintiffs packing, sufficient enough to mislead the consumers to treat the

product of defendants as the products originated from the house of plaintiff.

28. It is settled principle of law that for granting temporary injunction the Court is required to satisfy itself the existence of three essential ingredients i.e. *prima facie* case, balance of convenience and irreparable loss.

29. The plaintiff contends that the defendants copied the dominant first syllable ("Tasty"), replaced "Gold" with "Nutts," and duplicated the artistic layout and red colour scheme to deceive illiterate and semiliterate consumers into believing the defendants' goods originated from the plaintiff causing severe damage to their reputation, good will and business. The Trial Court compared the packing of plaintiff and defendant Nos.1 and 2 and came to a conclusion that the defendants placed the umbrella term "Namaskar" in an insignificant, inconspicuous manner while giving massive prominence to "Tasty Nutts". The Trial Court by relying on the judgements passed by the Hon'ble Supreme Court in **Kaviraj Pandit Durga Dutt Sharma's case** (1 *supra*), **Ruston & Hornby's case** (2 *supra*), and **Amrit dhara Pharmacy's case** (3 *supra*) emphasized that the first syllable ("Tasty") is dominant for distinction and given that the target consumer base who are mostly illiterate and semiliterate buyers of edible oils, the

visual red colour scheme, phonetic closeness, and trade dress similarity creates a clear probability of deception and passing off.

30. The Trial Court had evaluated the essential ingredients for a temporary injunction. As far as *prima facie* case is concerned, the Trial Court rightly observed that the plaintiff is the prior user of the "Tasty" since December 1, 2000, supported by subsisting registrations (Nos. 3136998, 4039640, 5257288, and 5257289) and corresponding copyright registrations.

31. A perusal of Section 27(2) and Section 34 of the Trademarks Act, the right of the plaintiff as a "prior user" of the trade mark is required to be protected against the action of passing off. In the opinion of this Court, the said fact satisfies the *prima facie* case for granting temporary injunction in favour of respondent No.1/Plaintiff.

32. The others aspect of balance of convenience and irreparable loss is concerned, both the plaintiff and defendant Nos.1 and 2 are in the business of selling edible oils. The plaintiff is operating its business under its Trade mark logos, Tasty Gold, with other suffixes like "lite" and "rich". The defendant Nos. 1 and 2 countered the contentions of the plaintiff that they are established manufacturers operating under the umbrella brand "Namaskar" (with registered marks like "Namaskar"

and "Namaskar Drop") and adopted "Namaskar Tasty Nutts" for a distinct blended oil product (groundnut and rice bran). They argued that "Tasty" is a common, generic descriptive word denoting food quality that cannot be monopolized under Section 9 of the Trademarks Act, 1999, and that "Gold" is a standard laudatory term. The defendants asserted that their packaging uses a distinct visual get-up (featuring a bowl of oil and rice plants) which bears no resemblance to the plaintiff's lady-cook logo when viewed independently and that they filed rectification applications before the Registrar of Trademarks in Chennai challenging the validity of the plaintiff's "Tasty Gold" registrations, and instituted O.S.No.02 of 2025 at Nalgonda alleging groundless threats under Section 142 of the Trademarks Act. However, the suit was dismissed on 11.08.2025 as not maintainable in view of the bar under Sec 142 (2) of the Trade Marks Act.

33. The Trial Court addressed the predominant defence that the word "Tasty" is a generic word, the Court gave its reasons that that edible oil is not ready-made food item but a cooking ingredient. Thus, the word tasty cannot be made applicable to the nature of edible oil. But the combined mark "Tasty Gold" used by the plaintiff has acquired distinctiveness and secondary meaning through 25 years of extensive commercial use and heavy advertising expenditures by the plaintiff. *Per*

contra, the defendant Nos.1 and 2 are relatively new entrants in the market, marketing their oil under an umbrella term "Namaskar" in an insignificant, inconspicuous manner and highlighting the word "Tasty Nutts". As mentioned supra, most of the targeted consumers would be illiterates and semiliterates and there is every possibility that they would be easily confused to draw a distinction between the oils of the plaintiff's firm and defendant Nos.1 and 2 company.

34. The undisputed findings of the Trial Court given with regard to the similarities on the packages of plaintiff and defendant makes it clear that the plaintiff has dishonestly adopted and using the similar trade mark, which *per se* is deceptively similar to plaintiff for promoting the sales of its edible oil. The plaintiff, through its long and continuous usage of its trade mark made significant sales, promotions and established goodwill in the market as reflected by its turn over shown from 2017 to 2024. Therefore, if the defendant Nos.1 and 2 are not restrained from conducting their business with identical trademarks, it is apparent that the plaintiff would suffer severe irreparable loss to its sales and reputation. Thus, the balance of convenience tilts more in favour of the plaintiff and the likelihood of irreparable financial and reputational injury to the plaintiff's appears to be more imminent.

35. The defendant Nos.1 and 2 also pointed out that other local manufacturers such as M/s. Sri Sathagiri Industries with the mark "Super Tasty" also utilize the word "Tasty" in the edible oil market for establishing that the term is widely used in the trade without exclusive ownership by the plaintiff. This objection is not maintainable as the plaintiff had already filed OS.No.210 of 2019 before the Principal District Judge at Mahbubnagar against Sathagiri Industries along with IA.No.2190 of 2019 seeking temporary injunction. The IA was dismissed on 08.06.2020.

36. CMA No.496 of 2020 filed against the dismissal of the said IA was allowed by this Court *vide* judgment dated 09.06.2021 in favour of plaintiff holding that there are certain similarities between the registered trade mark/label of petitioner therein and the mark being used by the respondent and the petitioner therein being prior user of trade mark in point of time and the petitioner cannot be said to have not established some goodwill in the area or locality of operation of its business and therefore, the balance of convenience is in favour of the petitioner warranting to continue injunction already granted by Trial Court pending disposal of main suit. The result of the CMA was not disputed by the appellants herein. The facts and circumstances stated

in the said CMA are similar to this case. Therefore, the appellants could not rely on third-party use to excuse their own imitation gimmick.

37. It is trite to say that in deciding the application for grant of temporary injunction, the Court should not conduct a detailed examination of the merits or record findings that would prejudice the final adjudication of the suit. On facts and evidence submitted before it, if the plaintiff establishes the three ingredients, the Court shall protect the interest of the plaintiff over the subject matter till the disposal of the suit. The Trial Court meticulously addressed all the defences raised by the defendant Nos.1 and 2 in granting temporary injunction in favour of plaintiff.

38. Thus, the findings recorded by the learned Trial Court cannot be said to be perverse, arbitrary or contrary to the material on record and there is no error, much less jurisdictional error, apparent on the face of the record. No misapplication of law or material irregularity is found in the order passed by the learned Trial Court warranting interference by this Court in exercise of appellate jurisdiction. Therefore, this Court finds no ground to interfere with the discretionary order passed by the learned Trial Court granting temporary injunction in favour of the plaintiff.

39. Hence, I.A.No.3 of 2026 filed by respondent No.1/plaintiff for vacating the interim suspension granted by this Court on 05.05.2026 is allowed and the interim order dated 05.05.2026 passed in I.A.No.2 of 2026 is hereby vacated.

40. In view of the foregoing discussion, the Civil Miscellaneous Appeal has been considered on merits while deciding the prayer for vacation of the interim order and no ground for interference with the order of the Trial Court is made out.

41. Accordingly, the Civil Miscellaneous Appeal is dismissed. There shall be no order as to costs.

42. Pending miscellaneous applications, if any, shall stand closed.

GADI PRAVEEN KUMAR, J

Date:16.09.2026

GJ

THE HON'BLE SRI JUSTICE GADI PRAVEEN KUMAR

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