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Order QR

A. Nos. 3875 & 3876 of 2026 & O.A. Nos. 778 & 779 of 2026

IN THE HIGH COURT OF JUDICATURE AT MADRAS

RESERVED ON : 01.10.2026
PRONOUNCED ON : 09.10.2026

CORAM:

THE HONOURABLE DR. JUSTICE A.D. MARIA CLETE

A. Nos. 3875 & 3876 of 2026
& O.A. Nos. 778 & 779 of 2026 in
C.S. (Comm.Div.) No. 223 of 2026

A Nos. 3875 & 3876 of 2026:

Annapurna Swadisht Limited
Chatterjee International Building
Represented by its Authorized Signatory
Mr. Aninda Kumar Bhattavharya,
13th Floor Units A01, A02 and 33A,
Jawaharlal Nehru Road, Kolkata 700071

..Applicant(s) in both

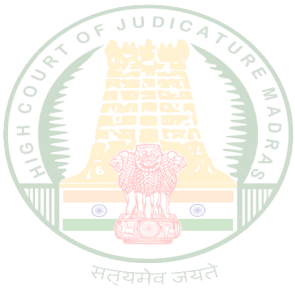
Vs

GEF Foods India Private Limited
15/29, Thambu Chetty Street,
George Town, Chennai 600001
and also at
4th Floor, FREEDOM HOUSE,
8-2-334/70 & 71, Road No. 5,
Banjara Hills, Hyderabad - 500 034
Rep by its Authorised Signatory
Mr. A. Saravanan

..Respondent(s) in both

PRAYER IN A Nos. 3875 & 3876 of 2026:

To vacate the interim injunction granted Order dated 05.08.2026 in O.A.Nos. 779 & 778 of 2026 in C.S.(Comm.Div.) No. 223 of 2026.



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A. Nos. 3875 & 3876 of 2026 & O.A. Nos. 778 & 779 of 2026

For Applicant(s):

Mr.Sathish Parasaran, Senior Advocate for
M/s.P.S.Deepika

For Respondent(s):

Mr.Arun C. Mohan

O.A. Nos. 778 & 779 of 2026:

GEF Foods India Private Limited
15/29, Thambu Chetty Street, George
Town, Chennai 600001 and also at 4th Floor,
FREEDOM HOUSE, 8-2-334/70 71, Road No. 5,
Banjara Hills, Hyderabad - 500 034 Rep by its
Authorised Signatory Mr. A. Saravanan

..Applicant(s) in both

Vs

Annapurna Swadisht Limited
Chatterjee International Building
13th Floor, Units A01, A02, and 33A,
Jawaharlal Nehru Road,
Kolkata-700071

..Respondent(s) in both

PRAYER IN O.A. No. 778 of 2026:

To grant an ad-interim injunction restraining the Respondent, its partners, successors-in-business, servants, agents, distributors, dealers, stockists, wholesalers, retailers, shop keepers, representatives, assigns and all other persons claiming through them from infringing the registered trademark ANNAPOORNA by the use of an identical mark ANNAPURNA or any other mark identical or deceptively similar thereto in respect of any goods or services or in any other manner whatsoever, pending disposal of the suit.



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PRAYER IN O.A. No. 779 of 2026:

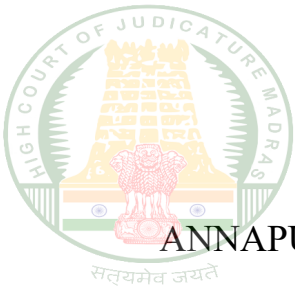
To grant an ad interim injunction restraining the Respondent, themselves, its proprietor/directors/partners as the case may be successors in business, servants, agents, distributors, dealers, stockists, shop keepers, wholesalers, retailers, representatives, assigns and all other persons claiming through or under them from in any manner passing off and enabling others to pass off the Respondent's blended spices as and for the Applicant's blended spices by use of the trade name/mark ANNAPURNA or any other mark deceptively similar to the Applicant's trademark ANNAPOORNA in any manner whatsoever, pending disposal of the suit.

For Applicant(s): Mr.Arun C. Mohan

For Respondent(s): Mr.Sathish Parasaran, Senior Advocate for
M/s.P.S.Deepika

COMMON ORDER

The plaintiff, GEF Foods India Private Limited, has filed this suit against the defendant, Annapurna Swadisht Limited, for infringement of its registered trade marks and for passing off. The plaintiff's mark is ANNAPOORNA. The defendant uses the name and mark ANNAPURNA, including as "ANNAPURNA SWADISHT" and "ANNAPURNA SNACKS". In O.A. No.778 of 2026, the plaintiff seeks to restrain the defendant from using ANNAPURNA in respect of any goods or services or in any other manner whatsoever. In O.A. No.779 of 2026, it seeks to restrain the defendant from passing off its blended spices as the plaintiff's by using the name



ANNAPURNA.



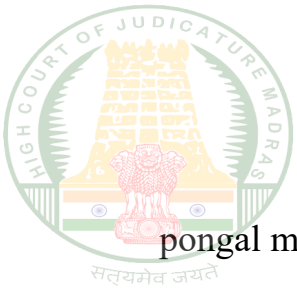
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2. On 05.08.2026, this Court heard the plaintiff and granted an ad interim injunction in both applications, because the plaintiff held registrations in Class 30 and the defendant had adopted a mark which sounds similar and was likely to confuse buyers, and ordered notice. The defendant then filed A. No.3875 of 2026 to vacate the order in O.A. No.779 of 2026, and A. No.3876 of 2026 to vacate the order in O.A. No.778 of 2026, under Order XXXIX Rule 4 of the Code of Civil Procedure, 1908 ("CPC"). As all four applications concern the same marks and facts, they were heard together and are disposed of by this common order. The parties are referred to as they are ranked in the suit.

3. The plaintiff's case is that, the business of the plaintiff's predecessor, "Sree Annapoorna Foods", goes back to about 1980, when Mr. Damodaraswamy Naidu and his brothers, who ran the Sree Annapoorna hotels and restaurants in Coimbatore, began making spice powders and allied food products under the mark "Sree Annapoorna". The firm was renamed "Sree Annapoorna Foods" on 24.11.1984 and was reconstituted from time to time. Its products include turmeric, chilli and coriander powders, sambar and rasam powders, a range of masalas, idli-dosai powder, dal mix, vadagam, appalams, gulab jamun mix and



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pongali mixes etc.

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4. The predecessor obtained registrations Nos.988210, 988211 and 988212 in Class 30, applied for on 06.02.2001, and No.1803022 in Class 29, applied for on 06.04.2009, besides copyright registration No.A-114222/2015 for the artistic work in its label. By an Agreement and an IP Assignment Deed, both dated 31.01.2025, the predecessor transferred its business, and assigned the trade marks, the trade name and the goodwill, to the plaintiff, which applied to the Trade Marks Registry on 24.03.2025 to have the registrations brought into its name. The plaintiff sets out sales and promotional figures from 2000-2001 onwards; for 2023-2024 the sales shown are about Rs.41.41 crores. According to the plaintiff, by reason of continuous use, extensive sales and promotion for over four decades, the mark "ANNAPOORNA" has acquired substantial goodwill, reputation and distinctiveness among consumers.

5. The plaintiff states that in or about March 2026 it came to know that the defendant was making and selling snacks, fryums and allied food products under the names "ANNAPURNA SNACKS" and "ANNAPURNA SWADISHT", which, it says, sound the same as and look like its mark ANNAPOORNA. It lists seven applications made by the defendant to register



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ANNAPURNA-formative device marks in Class 30, four of which are shown as

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"Opposed". It states that it sent a cease-and-desist notice on 23.03.2026, which the defendant neither answered nor complied with, and that the defendant's adoption is dishonest. It pleads that these are low-priced goods, bought by ordinary people, including those who cannot read, on the strength of an imperfect memory of the mark. It claims that, as it sought urgent interim relief, it was not required to undergo pre-institution mediation under Section 12A of the Commercial Courts Act, 2015. The suit was instituted in July 2026.

6. In support of the applications for interim injunction, the plaintiff contends that it has established a strong prima facie case on the basis of its prior use, statutory registrations and the alleged deceptive similarity between the competing marks. It is further averred that the defendant's continued use of the impugned mark would cause confusion among consumers, dilute the distinctiveness of the plaintiff's trademark and result in irreparable injury to its goodwill and reputation, which cannot be adequately compensated in monetary terms. According to the plaintiff, the balance of convenience lies in its favour, as it has invested substantial time and resources in establishing its trademark, whereas the defendant would suffer no prejudice if restrained from using the impugned mark. On these grounds, the plaintiff seeks interim injunctions



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restraining the defendant from infringing its registered trademark "ANNAPOORNA" and from passing off its goods as those of the plaintiff, pending disposal of the suit.

7. The defendant's case in the applications to vacate : In the affidavit filed in support of A. Nos.3875 and 3876 of 2026, the defendant states that a partnership firm, M/s. Annapurna Agro Industries, was formed at Kolkata on 27.11.2015, with a factory in Burdwan District, West Bengal, and began making papads, fryums and allied products under the name ANNAPURNA. After some reconstitutions, the partners incorporated Annapurna Swadisht Private Limited on 11.02.2022, and by a Deed of Assignment of the same date transferred the firm's business, assets and goodwill to the company. The company was converted into a public limited company on 08.07.2022, and its shares were listed on the National Stock Exchange on 27.09.2022. It makes packaged snacks, namkeens, pellets, corn tortilla chips, puffed corn, corn curls, cheese puffs, dried dumplings (bori) etc., and savouries, under sub-brands such as "Chatpata", "Rambo" and "Badam Pakora" etc., and does not make or sell raw spices, spice powders or blended masalas. Its turnover is stated as Rs.160.17 crores in 2022-2023, Rs.264.43 crores in 2023-2024, Rs.374.10 crores in 2024-2025 and about Rs.414.92 crores in 2025-2026.

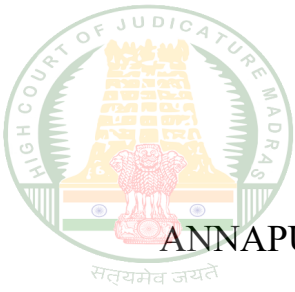


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8. The defendant avers that the ad interim order restrains it in respect of

"any goods", although the plaintiff, on its own showing and under Clause 2.6 of its Assignment Deed, deals only in blended spices, masala powders, condiments and ready-to-cook mixes, and no trader can claim a monopoly over every item in a broad class. Ready-to-eat snacks and cooking spices are different goods, sold on different shelves for different purposes, and no instance of actual confusion has been shown. "Annapurna" is the name of the Hindu goddess of food and is widely used in the food trade. The plaintiff trades mainly in South India, especially Tamil Nadu, while the defendant trades in the Eastern, Northern and Western States. The plaintiff's predecessor had opposed the defendant's applications from February 2023, and Annexure D to the plaintiff's own Assignment Deed lists those oppositions; the statement that the plaintiff learnt of the defendant only in March 2026 is therefore untrue, and was made to create a false urgency, to obtain an order without notice and to avoid Section 12A; and the defendant is taking steps to file an application under Order VII Rule 11 CPC. The order, unless varied, would force the closure of factories each employing about 800 to 900 workers, cause default on bank loans and cause loss to public shareholders, while the plaintiff would suffer no loss if snacks and namkeens were excluded. Without prejudice, the defendant offers to undertake not to make or sell raw spices or blended masala powders under the name



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ANNAPURNA, and to show clearly on its snack packets its place of manufacture and corporate identity. In the body of the affidavit the defendant asks for the order to be modified or partly discharged so as to exclude its goods; in the prayer it asks for the order to be vacated.

9. Learned Senior Counsel for the defendant submitted that the defendant has a turnover exceeding Rs.400 crores and has been carrying on business continuously from 2015, initially as Annapurna Agro Industries and thereafter through the company incorporated in 2022, which subsequently became a public limited company and was listed on the National Stock Exchange.

10. The principal contention is that the ex parte order was obtained by suppression of material facts. Though paragraph 18 of the plaint states that the plaintiff came to know of the defendant's mark only in or about March 2026, the plaintiff's predecessor had opposed the defendant's trade mark applications as early as February 2023. Those oppositions are also recorded in Annexure D to the Assignment Deed dated 31.01.2025, through which the plaintiff claims title. It was therefore submitted that the plaintiff could not rely upon the predecessor's goodwill and rights while disowning its predecessor's knowledge. Attention was also drawn to the discrepancy regarding the plaintiff's year of



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incorporation.

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11. Reliance was placed on ***Kent RO System Ltd. v. Gattubhai, (2022) 2 HCC (Del) 701 : 2022 SCC OnLine Del 791***, wherein an ex parte injunction was vacated for suppression and concealment of material facts, and on ***B.L. & Co. v. Pfizer Products Inc., 2001 SCC OnLine Del 637 (DB)***, where delay was held to be a sufficient ground for refusing ex parte restraint.

12. It was further contended that the same facts bear upon the maintainability of the suit under Section 12A of the Commercial Courts Act, 2015. According to the defendant, the plaintiff, through its predecessor, had knowledge from February 2023 but instituted the suit only in July 2026 without undergoing pre-institution mediation. Relying on ***Yamini Manohar v. T.K.D. Keerthi, 2023 SCC OnLine SC 1028***, it was submitted that urgency cannot be used as a disguise or camouflage to bypass the statutory requirement of pre-litigation mediation. It was also pointed out that even the plaintiff's passing-off prayer is confined to blended spices.

13. Referring to Clause 2.6 of the Assignment Deed, learned Senior Counsel submitted that the rights assigned to the plaintiff were confined to the specified



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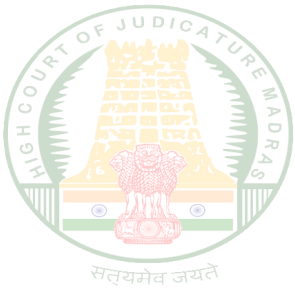
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“Permitted Categories”. Reliance was placed on Section 37 of the Trade Marks

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Act, 1999 and on the principle that an assignee cannot acquire a better or wider right than that possessed by the assignor. The defendant’s packaged snacks, namkeens, fryums, pellets and savouries, it was submitted, fall outside those permitted categories. Reliance was also placed on *Vishnudas Trading v. Vazir Sultan Tobacco Co. Ltd.*, (1997) 4 SCC 201, for the proposition that registration in respect of an entire class does not necessarily entitle a proprietor to claim monopoly over every product within that class when actual use is confined to particular goods.

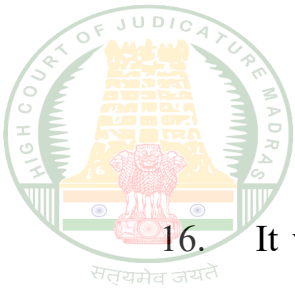
14. As regards acquiescence, reliance was placed on *Power Control Appliances v. Sumeet Machines (P) Ltd.*, (1994) 2 SCC 448. It was submitted that the plaintiff’s predecessor, despite having knowledge from February 2023, permitted the defendant to expand its business, obtain listing on the National Stock Exchange, complete its public issue and build its brand before issuing a cease-and-desist notice only on 23.03.2026. *Kent RO System Ltd. v. Gattubhai* (2022) SCC Online Del 791 was again relied upon to contend that a plaintiff who knowingly permits a defendant to build up its reputation cannot thereafter seek equitable injunctive relief.



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WEB COPY 15. In the written submissions dated 01.10.2026, the defendant contended that a claim under Section 29(4) of the Act requires the plaintiff to establish a reputation in India, use by the defendant without due cause, and unfair advantage or detriment to the distinctive character or repute of the mark. It was contended that *N. Ranga Rao & Sons Pvt. Ltd. v. Sree Annapoorna Agro Foods*, O.S.A.(CAD) No.3 of 2022, does not assist the plaintiff, because the Division Bench interfered only after finding that the mark "CYCLE" had acquired a reputation of its own, independent of agarbattis; whereas here the plaintiff's pleaded market is largely confined to the Southern States, and the defendant trades mainly in the Eastern, Northern and Western regions. In the course of oral arguments, learned Senior Counsel advanced the same theme in a broader way. It was submitted that the reputation of the "Annapoorna" name belongs to the predecessor at Coimbatore, which, in learned Senior Counsel's words, "carved out a small portion" for the plaintiff; that the plaintiff, incorporated only in 2024, obtained rights in 2025 for selected products different from the defendant's; that the plaintiff received the predecessor's oppositions "but they don't get the well known mark status"; and that it was not open to the plaintiff to claim the reputation of the Annapoorna restaurants as its own.



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16. It was also submitted that “Annapurna” or “Annapoorna” is a common

devotional reference associated with food and nourishment and is widely used in the food trade. The defendant does not dispute the validity of the plaintiff’s registration, but contends that the expression is not invented and that mere registration of the marks in Class 30 cannot confer a monopoly over every food product within that class. It was further pointed out that, in O.A.No.779 of 2026, the interim order proceeds on the footing that the defendant deals in blended spices, whereas the defendant’s case is that it does not manufacture or sell such products.

17. The Learned Senior Counsel further submitted that there is no evidence of any actual confusion, mistaken purchase, consumer complaint or distributor confusion despite the defendant’s long-standing presence in the market. Reliance was placed on *Wander Ltd. v. Antox India (P) Ltd.*, 1990 Supp SCC 727, to contend that the fact that the defendant is already carrying on business is relevant to the balance of convenience and that interim relief should preserve, rather than disturb, the existing position.

18. Learned Senior Counsel further submitted that the defendant employs about 800 to 900 workers in each unit, has substantial banking and financial



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commitments and, being a listed company, would suffer serious prejudice if

compelled to immediately discontinue its existing packaging and branding. At

the same time, it was fairly accepted that, though the rival marks may differ

visually, they are phonetically similar. The defendant therefore offered to

confine its use to “Annapurna Swadisht”, reiterated its undertaking not to sell

raw spices or blended masala under the mark ANNAPURNA and offered to

prominently disclose its corporate identity on the snack packets. On these

grounds, it was prayed that the interim order be modified so as to permit the

defendant to manufacture and sell packaged snacks, namkeens, fryums, pellets

and savouries under the marks “ANNAPURNA” and “ANNAPURNA

SWADISHT”. In the written submission of the defendants, they submitted that

the defendant does not seek complete vacation of the order dated 05.08.2026,

but only its modification so as to permit the defendant to manufacture and sell

packaged snacks, namkeens, fryums, pellets and savouries, which are stated to

be different from the plaintiff’s blended spices and masala powders.

19. Learned counsel for the plaintiff submitted that its predecessor had

continuously used the trademark "SREE ANNAPOORNA" since about 1980,

notwithstanding successive reconstitutions of the partnership firm. In support of

its prior use and goodwill, the plaintiff has produced partnership deeds and



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business records from 1984, newspaper advertisements, invoices from 1984 to 2024, trademark registration certificates relating to applications made in 2001 and 2009, the Assignment Deed dated 31.01.2025 and its own invoices for 2025. The registrations cover various food products in Classes 29 and 30 and remain unchallenged. The defendant's adoption of "ANNAPURNA", even according to its own case, commenced only in 2015, several decades after the plaintiff's predecessor had adopted and registered its marks. Therefore, the defendant cannot claim honest and concurrent use merely on the strength of its subsequent adoption and turnover.

20. As regards the defendant's evidence, learned counsel submitted that the turnover figures are not supported by underlying sales records and that the advertisements produced are merely promotional images without particulars of publication, such as the newspaper's name, date, edition or circulation. It was further pointed out that the invoices dated 01.04.2022, 08.04.2022 and 01.06.2022 bear the name "Annapurna Swadisht Limited", although, according to the plaintiff, the defendant was converted into a public limited company under that name only on 08.07.2022. This discrepancy, it was submitted, raises serious doubts regarding the genuineness of those invoices and calls for production and scrutiny of the original records. Learned counsel further



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contended that the defendant, being an established commercial enterprise, ought to have verified the existing registrations before adopting the mark. Having adopted it despite the plaintiff's prior rights, the defendant cannot rely upon its subsequent business expansion, substantial turnover or financial commitments to justify continued use.

21. On the nature of the goods, learned counsel submitted that the defendant itself sought registration of "ANNAPURNA" in Class 30, in which the plaintiff holds prior registrations, and therefore cannot contend that the competing goods are wholly unrelated. It was argued that spices, snacks, fryums and other packaged food products are allied and cognate goods, marketed through similar trade channels to the same class of consumers. Even assuming that the goods are dissimilar, Section 29(4) of the Trade Marks Act, 1999 affords protection to a registered mark where the statutory requirements are satisfied. Reliance was placed on *N. Ranga Rao & Sons Pvt. Ltd. v. Sree Annapoorna Agro Foods, O.S.A.(CAD) No.3 of 2022*, particularly paragraphs 21 to 23, and *Midas Hygiene Industries (P) Ltd. v. Sudhir Bhatia, (2004) 3 SCC 90*, paragraph 7, to contend that infringement of a registered trademark ordinarily warrants injunctive protection.



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22. With regard to Clause 2.6 of the Assignment Deed dated 31.01.2025,

learned counsel submitted that the clause governs only the rights and obligations of the parties to that deed. The defendant, being a stranger to the agreement, cannot rely upon a contractual restriction concerning the plaintiff's product range as permission to use a deceptively similar mark. According to the plaintiff, the extent of its actual use cannot be equated with the extent of statutory protection available to its registered trademarks.

23. On delay and acquiescence, learned counsel submitted that mere knowledge of the defendant's mark or delay in instituting proceedings does not amount to consent or acquiescence. It was pointed out that the plaintiff and its predecessor had consistently asserted their rights by opposing the defendant's trademark applications and issuing the cease-and-desist notice dated 23.03.2026. Acquiescence requires positive conduct amounting to encouragement, assent or consent, which is absent in the present case. Reliance was placed on *Midas Hygiene Industries (P) Ltd. v. Sudhir Bhatia*, (2004) 3 SCC 90, *Power Control Appliances v. Sumeet Machines (P) Ltd.*, (1994) 2 SCC 448, *Hindustan Pencils (P) Ltd. v. India Stationery Products Co.*, I.A.No.2275 of 1988 in Suit No.941 of 1988, and *V. Rajendran v. Kovai Heart Foundation*, MANU/TN/0794/2026. It was submitted that mere delay cannot



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defeat an injunction, particularly where the alleged infringement is continuing

and the adoption is dishonest.

24. As regards Section 12A of the Commercial Courts Act, 2015, learned counsel submitted that the defendant was aware of the opposition proceedings and had failed to comply with the cease-and-desist notice, but continued using the impugned mark. The defendant cannot, therefore, insist that the plaintiff should have further delayed the proceedings by resorting to pre-institution mediation. Relying on *Novenco Building and Industry A/S v. Xero Energy Engineering Solutions Pvt. Ltd.*, 2025 INSC 1256, particularly paragraphs 24 and 25, learned counsel submitted that urgency must be assessed from the plaint and supporting materials and that, in cases of continuing infringement, the passage of time does not necessarily extinguish the need for urgent interim protection.

25. Finally, learned counsel submitted that the defendant's plea of hardship arising from its business operations, employment commitments and financial liabilities cannot override the plaintiff's prior statutory rights. It was contended that the plaintiff has established a strong prima facie case based on longstanding prior use, subsisting registrations and the assignment of the business and



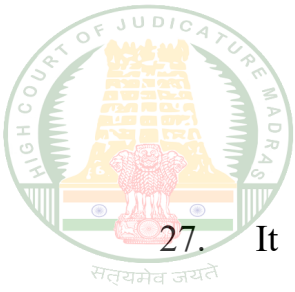
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goodwill in its favour. The defendant has not demonstrated any subsequent

change in circumstances warranting vacation or modification of the interim injunction dated 05.08.2026. On the contrary, permitting the defendant to continue using the impugned mark during the pendency of the suit would enable it to further expand its business under the disputed mark and cause continuing injury to the plaintiff's goodwill and reputation. Accordingly, learned counsel prayed that A.Nos.3875 and 3876 of 2026 be dismissed and that the interim injunction already granted in O.A.Nos.778 and 779 of 2026 be continued and made absolute pending disposal of the suit.

26. In reply to the allegation that the invoices were fabricated, learned Senior Counsel for the defendant submitted that the charge was made recklessly and without any supporting affidavit. It was pointed out that the invoices, both before and after the change of name, bear the same Corporate Identity Number, GSTIN and PAN, showing continuity of the same company. The omission of the word "Private" in the earlier invoices was attributed to the accounting software reflecting the subsequently updated company name, and was said to be a clerical or software issue rather than fabrication or back-dating. The defendant also offered to produce the original invoices.



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27. It was further submitted that, even ignoring the defendant's existence prior to 2022, its turnover was Rs.160.17 crores in 2022-2023 and increased to about Rs.414.92 crores by 2025-2026. According to the defendant, a listed company with public shareholders and business of such magnitude could not have operated secretly, and the allegation of fabrication or perjury was therefore baseless.

Discussion:

28. The defendant contends that the plaintiff's business, as described in Clause 2.6 of the Assignment Deed, is confined to spices, masala powders, condiments and ready-to-cook mixes, and that the registration of the trade marks relied upon by it does not confer a monopoly over every product falling within the same class. While it is true that registration does not confer a monopoly over an entire class of goods, this contention does not, by itself, defeat the plaintiff's claim. Under Section 29(2) of the Trade Marks Act, 1999, protection extends to similar goods where the similarity between the competing marks and goods is likely to cause confusion among the public, including an association with the registered trademark. Clause 2.6 regulates what the plaintiff, as assignee, may do as between itself and its assignor; the defendant is a stranger to it, and it confers no right on any third party. Section 37 of the Act,



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relied on by the defendant, deals with the registered proprietor's power to assign

the mark. The principle that an assignee takes no better right than its assignor

had is sound, but it does not help the defendant at this stage: the predecessor

held the registrations in Classes 30 and 29, the plaintiff sues on those

registrations, and the defendant has not shown that the registrations themselves

were assigned only in part. Even the categories listed in Clause 2.6 include

papadam, vadam and wafers, which are the defendant's own original goods.

Whether the assignment limits the registered rights in any respect may be

examined at the trial. *Vishnudas Trading* concerns the rectification of a

registration that is wider than the goods actually traded in, which is worked out

in rectification proceedings; the defendant has taken none.

29. The distinction pointed out by the defendant that the plaintiff's products

require cooking, whereas the defendant's snacks are ready for consumption, is

relevant but not conclusive. The question is whether, considering the nature of

the products, their trade channels, the class of purchasers and the overall

similarity of the marks, an ordinary consumer with imperfect recollection is

likely to believe that the defendant's products originate from the plaintiff or an

undertaking commercially connected with it. The close phonetic similarity

between "ANNAPOORNA" and "ANNAPURNA", when used for cooking



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ingredients and packaged snacks respectively, may create an impression that the

latter constitute another product line of the same manufacturer. Such confusion

relates to the commercial origin of the goods, even though consumers may be

able to distinguish the products themselves. The presumption of confusion

under Section 29(3), on which the plaintiff relied, applies only where both the

mark and the goods are identical, which is not the case here; the plaintiff must

therefore show a likelihood of confusion or association under Section 29(2)(b).

To the ear, the two marks are the same word, as learned Senior Counsel fairly

accepted. The goods are low-priced foodstuffs bought from memory, often by

persons who cannot read the English letters on the packet. The word

"SWADISHT" simply means "tasty"; it describes the goods and does not

distinguish their source, so the offer to confine use to "Annapurna Swadisht"

does not remove the confusion. The defendant's business began with papads and

fryums, while the plaintiff's registrations, on its submission, cover appalams and

wafers, and papads and appalams, fryums and vadams, are practically the same

goods. This holds for the defendant's other snacks as well, because

ANNAPURNA is used by the defendant as its house mark across its entire

range; if the same house mark, barred on papads and fryums, were allowed to

continue on the other snacks of the same maker, sold in the same shops to the

same buyers, the association with a single source would carry on undiminished.



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The absence of proof of actual confusion does not alter this, because Section

29(2) requires only a likelihood of confusion or association, and an interim injunction is granted precisely so that actual confusion does not occur.

30. Therefore, the defendant cannot defeat the plaintiff's claim merely by describing its products as ready-to-eat snacks. However, the objection regarding the use of the expression "any goods" in the interim injunction requires separate consideration. The restraint must be confined to the goods in dispute and such similar or allied goods in respect of which the materials on record establish a likelihood of confusion, and cannot be extended indiscriminately to unrelated goods.

31. In the present case, the relevant consideration is whether the use of "ANNAPURNA" for packaged ready-to-eat snacks, when compared with the plaintiff's mark "ANNAPOORNA" used for spices, masala powders, condiments and ready-to-cook mixes, is likely to suggest a common commercial origin. The mere fact that one product requires cooking while the other is ready for consumption does not, by itself, exclude the possibility of such an association. Since the plaintiff's case is made out under Section 29(2), it is unnecessary at this stage to decide whether its mark has the "reputation in India"



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that Section 29(4) requires, on which the parties have relied on **N. Ranga Rao**

& Sons Pvt. Ltd. v. Sree Annapoorna Agro Foods; that question is best decided

on evidence at the trial.

32. The defendant further contends that "ANNAPURNA" is the name of the Hindu Goddess of Food and is commonly used in the food trade, and therefore the plaintiff cannot claim exclusive rights over the name. However, the religious significance of a name does not, by itself, render its use as a trademark incapable of protection. The plaintiff does not claim exclusive rights over the name of the Goddess for all purposes, but seeks protection of its registered trademark as an identifier of the commercial origin of its goods.

33. The relevant question is whether the plaintiff's mark has come to identify its spices, masala powders, condiments and ready-to-cook mixes, and whether the defendant's use of a closely resembling name for ready-to-eat snacks is likely to make purchasers believe that such products originate from the plaintiff or an undertaking commercially connected with it. This question cannot be decided merely on the basis of the religious origin of the name.

34. The contention that the name is common to the food trade must also be



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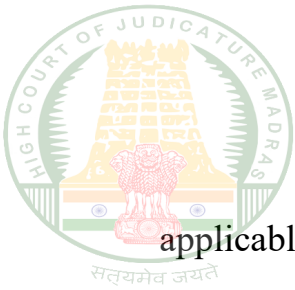
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supported by evidence of its relevant commercial use. If such use is established,

it may have a bearing on the distinctiveness of the mark and the extent of protection available. Nevertheless, the defendant cannot claim immunity from an otherwise confusing use merely because the name refers to a deity. Therefore, the objection based solely on the religious significance of "ANNAPURNA" is insufficient to defeat the plaintiff's claim.

35. The defendant also contends that the plaintiff's business is predominantly confined to South India, particularly Tamil Nadu, whereas the defendant carries on business in the Eastern, Northern and Western States. However, this circumstance does not, by itself, constitute a defence to an action for infringement. The geographical extent of the plaintiff's actual sales cannot be equated with the territorial extent of its statutory rights. Unless the registration is subject to a territorial restriction, the plaintiff's registered rights are not confined to the States in which it predominantly carries on business.

36. Though geographical separation may be relevant in assessing the likelihood of confusion, the parties' trade channels and the appropriate extent of interim relief, it does not independently entitle the defendant to use a confusingly similar mark for similar goods. The defendant must establish an



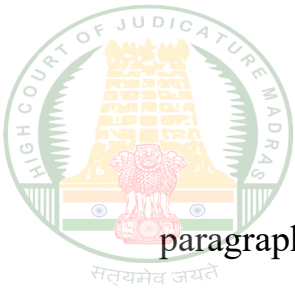
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applicable statutory defence, and the mere assertion that the parties principally

carry on business in different regions is insufficient. No such defence is available on the defendant's own dates. The defence of prior use in Section 34 of the Act protects only a person whose continuous use began before the registered proprietor's use or registration, whichever is earlier; the predecessor's use goes back to 1984 and its registrations to 2001, while the defendant, on its own case, began in 2015. For the same reason, this Court need not decide the serious charge that the defendant's three earliest invoices were fabricated. The defendant has offered an explanation and the original invoices, and whether that explanation is true is a matter for the trial; a finding of fraud cannot be recorded on a summary hearing, and it is unnecessary, since even if the defendant's use from 27.11.2015 is accepted in full, the plaintiff's predecessor is earlier by about three decades.

37. The defendant's contention regarding the plaintiff's prior knowledge of its mark also does not, by itself, establish acquiescence. The opposition proceedings initiated against the defendant's trademark applications constitute an assertion of rights rather than consent to its use. Mere delay, without any conduct indicating assent or encouragement, does not amount to acquiescence, as explained in *Power Control Appliances and Midas Hygiene*. Further,



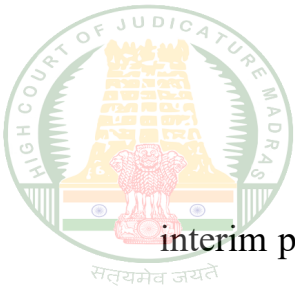
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paragraph 19 of the plaint discloses that the defendant's trademark applications

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38. Nevertheless, the inaccurate statement concerning the plaintiff's knowledge is material while considering the urgency pleaded for obtaining the ex parte interim injunction dated 05.08.2026. The first proviso to Order XXXIX Rule 4 CPC applies where a party has knowingly made a false or misleading statement in relation to a material particular in the injunction application or supporting affidavit. Even assuming that the said requirement is satisfied, this Court considers that complete vacation of the injunction is unnecessary in the interests of justice. The opposition proceedings were disclosed in the plaint, the inaccuracy does not displace the plaintiff's prima facie registered rights, and



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interim protection remains warranted to the extent supported by the findings on

similarity and likelihood of confusion. Therefore, the unrestricted restraint

concerning "any goods" requires modification by confining it to the goods for

which prima facie protection has been established. This distinguishes *Kent RO*,

where documents detrimental to the plaintiff were deliberately withheld from

the Court; here the plaintiff itself filed the Assignment Deed with its Annexure

D and its certificate of incorporation. This Court nonetheless disapproves of the

statement on knowledge, and of the reference in the plaint to incorporation in

2008 when the certificate shows 23.12.2024; a party seeking an order without

notice to the other side must state the facts accurately and fairly. The plaintiff's

plea that no change in circumstances has been shown does not arise, since that

requirement, in the second proviso to Order XXXIX Rule 4, applies only to an

order passed after hearing the party.

39. The objection raised under Section 12A of the Commercial Courts Act,

2015, is left open for consideration. Any application filed under Order VII Rule

11 CPC shall be decided on its own merits, including the question whether the

suit genuinely contemplated urgent interim relief at the time of its institution.

No finding on that issue is rendered in the present order.



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40. The hardship pleaded by the defendant, including its financial commitments, manufacturing operations and employment obligations, deserves consideration while assessing the balance of convenience and determining the appropriate relief. However, the injunction restrains the use of the impugned mark and does not prohibit the defendant from manufacturing or selling snacks and namkeens under a non-infringing mark. Therefore, the contention that the injunction would necessarily result in closure of its factories must be supported by materials showing why compliance through a change of branding is impracticable.

41. Similarly, it cannot be presumed that the plaintiff would suffer no injury merely because it does not presently manufacture snacks or namkeens. If the defendant's use of the impugned mark is prima facie likely to suggest a common commercial origin, the resulting injury would affect the plaintiff's goodwill and its control over the reputation associated with its trademark, apart from any immediate loss of sales. The scale of the defendant's business cannot, by itself, outweigh such injury. As to the status quo under *Wander Ltd (supra)*., the defendant's use has been under challenge in the Trade Marks Registry since 2023, and its growth took place in the face of that challenge; protecting registered rights against a prima facie infringing use does not upset the status



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42. Accordingly, the hardship pleaded by the defendant does not justify excluding snacks and namkeens altogether from the injunction when those are the very goods in respect of which a likelihood of confusion has been prima facie established. Any genuine operational difficulty may instead be addressed by granting a limited period for changing labels and packaging, subject to appropriate safeguards, without permitting indefinite continuation of the impugned use.

43. The defendant's offer to disclose its corporate identity and place of manufacture on its packaging is relevant, but such disclosure may not necessarily eliminate confusion arising from the prominent use of the impugned mark. Even where a purchaser understands that the goods are manufactured by a different company, the purchaser may still believe that the company is associated with, licensed by or otherwise commercially connected with the plaintiff. Whether the proposed disclosures are sufficient to remove such confusion must be assessed from the overall presentation of the packaging. The undertaking, by itself, does not establish that the likelihood of confusion would be eliminated.

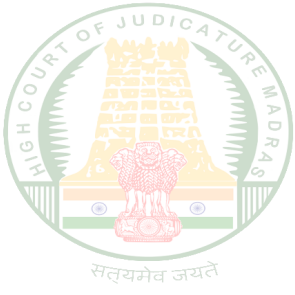


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44. Though the defendant has sought modification, variation or partial discharge of the injunction in the body of its affidavit, the final prayer seeks complete vacation of the order. Nevertheless, the substance of the defendant's request is clear, and this Court is empowered to consider appropriate modification under Order XXXIX Rule 4 CPC. However, the undertaking offered by the defendant does not justify excluding snacks and namkeens from the injunction when the use of the impugned mark on those goods has been found prima facie likely to cause confusion. As regards O.A. No.779 of 2026, the passing off claim is confined to blended spices, which the defendant says it does not sell and undertakes not to sell under ANNAPURNA; an injunction in those terms causes it no hardship, and rests on its own undertaking.

45. In view of the foregoing discussion, the defences raised by the defendant do not justify its continued use of the impugned mark. The plaintiff has established a prima facie case of infringement and a likelihood of irreparable injury to its goodwill and reputation. The balance of convenience also lies in favour of the plaintiff. Accordingly, the plaintiff is entitled to an interim injunction pending disposal of the suit, confined to the goods and uses identified above.



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DR.A.D.MARIA CLETE, J.

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46. In the result O.A. No.778 of 2026 AND O.A. No.779 of 2026 are allowed. The ad interim injunction granted on 05.08.2026 is made absolute till the disposal of the suit. A. Nos.3875 and 3876 of 2026, seeking vacation of the interim injunction, are dismissed. There shall be no order as to costs.

09-10-2026
(1/2)

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PRE-DELIVERY ORDER MADE IN
A. Nos. 3875 & 3876 of 2026
& O.A. Nos. 778 & 779 of 2026 in
C.S. (Comm.Div.) No. 223 of 2026
(1/2)