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IN THE HIGH COURT OF JUDICATURE AT MADRAS

Reserved on: 26.10.2026	Pronounced on: 13.11.2026

CORAM

THE HON'BLE MR.JUSTICE P.B. BALAJI

OA Nos. 273 & 274 OF 2026
in
C.S(COMM DIV) NO. 95 OF 2026
OA Nos. 273 & 274 of 2026

Kailash Chand Surana
Sole Proprietor of M/s. Kalptaru Enterprise,
No.07, Telegraph Abboy Street,
Kondithope, Chennai-600079.

..Applicant(s)

Vs

Shiv Mangal Singh
Sole Proprietor of M/s. AJ and Sons,
R C C Roofed Ground Floor,
131/A and 132, 1st Cross 2nd Main,
Vajapeye Nagara, Chikkalsabdra,
Bengaluru, Karnataka-560061.

..Respondent(s)

PRAYER in OA No. 273 of 2026: This Original Application is filed to grant an ad interim injunction restraining the Respondent, by itself, its proprietors, partners, men, servants, agents, distributors, stockists, representatives, assigns or anyone claiming through or under them, from in any manner infringing the Applicant's registered Trade Marks, including NAKODA PROPLUS, PRO NAKODA, by manufacturing, marketing, offering for sale, selling, distributing, displaying, advertising, or otherwise dealing in metal hardware goods including fasteners, screws, nuts, bolts, and allied goods under the impugned marks/ labelling/ trading style/ packaging/ trade dress SNE NAKODA FASTENING SYSTEM/ SNE NAKODA / NAKODA or any other mark/ labelling / trading

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style/ packaging/ trade dress which identical with or deceptively similar to the Applicant's Registered Trade Marks.

PRAYER in OA No. 274 of 2026: This Original Application is filed to grant an ad interim injunction restraining the respondent, its men, servants, agents, distributors, stockists, representatives, or anyone claiming through or under them from in any manner passing off and/or enabling others to pass off the respondent's goods as and for those of the Applicant by manufacturing, selling, offering for sale, distributing, advertising, or otherwise dealing in metal hardware goods under the mark SNE NAKODA FASTENING SYSTEM/SNE NAKDA / NAKODA OR any other mark identical with or deceptively similar to the Applicants Trade Mark/labelling/trading style/packaging/trade dress under SNE NAKODA/NAKODA PROPLUS/ PRO NAKODA or NAKODA, including by imitation of packaging, trade dress, get-up, colour scheme, or overall presentation pending disposal of the suit.

For Applicant(s): Mr.A.Jayesh Kumar Daga

For Respondent(s): Mr.V.Arunagiri

COMMON ORDER

These Original Applications have been filed for seeking interim injunctions to restrain the respondent or anybody claiming through the respondent from in any manner infringing the Applicant's registered trade mark viz., NAKODA PROPLUS, PRO NAKODA, by selling, distributing, displaying, advertising, or otherwise dealing in metal hardware goods under the mark SNE NAKODA FASTENING SYSTEM/SNE NAKDA / NAKODA (O.A. No.273 of 2026) and passing off the respondent's goods as that of the Applicant by manufacturing, selling, offering for sale, distributing, advertising,

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or otherwise dealing in metal hardware goods under the mark SNE NAKODA FASTENING SYSTEM/SNE NAKDA / NAKODA OR any other mark identical with or deceptively similar to the Applicants Trade Mark/labelling/trading style/packaging/trade dress under SNE NAKODA/NAKODA PROPLUS/ PRO NAKODA or NAKODA, including by imitation of packaging, trade dress, get-up, colour scheme. (O.A. No.274 of 2026).

2. I have heard Mr.A.Jayesh Kumar Daga, learned counsel for the Applicant and Mr.V.Arunagiri, learned counsel for the respondent.

3. The learned counsel for the Applicant, Mr.Jayesh Kumar Daga contends that the Applicant/plaintiff has been in the business of metal hardware and has been manufacturing, selling metal screws ever since October 2017. The learned counsel for the applicant also brings to my notice that the applicant/plaintiff enjoys as many as 14 registrations. He would contend that the applicant was founded as a partnership firm way back in the year 2007 and the name of the firm was "Sree Nakoda Enterprises", Therefore, "SNE NAKODA" was coined, taking the first alphabets of the three words of "Sree Nakoda Enterprises". The learned counsel for the Applicant would further contend that the applicant being in the business for the past 20 years, has acquired substantial experience, market familiarity and goodwill. He would

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further state that the adoption of the acronym "SNE", as contended herein above also bonafide and directly relatable to "Sree Nakoda Enterprises" (SNE).

4. The learned counsel for the applicant would invite my attention to the registration in Class 6, for NAKODA PROPLUS, PRO NAKODA and SNE NAKODA and also the applications pending for registration of the trademark SNE NAKODA in A. No.5392086, again, under the same Class. The said registration is pending owing to an opposition by a third party, who is not the respondent herein. The learned counsel also invites my attention to the consistent sales and significant increase in sales turnover, over the years and contends that the mark of the petitioner has gained sufficient reputation in the market. He would also state that the applicant/plaintiff has also established active online presence, by setting up a website which carries all products dealt with by the Applicant under the Trade Marks viz., NAKODA PROPLUS (A. No.3990716, Class 6), PRO NAKODA (A.No.4007110, Class 6) and SNE NAKODA (A. No.5392086, Class 6). He would further submit that the customers of the applicant are pan India and the applicant's commercial reach is far and wide.

5. The learned counsel for the Applicant, Mr.Jayesh Kumar Daga, would further state that in order to protect its mark, the petitioner has also filed commercial suit in C.S. (Comm.Div) No.41 of 2026, against a third party and

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the same is pending. He would further state that they have also taken diligent steps to oppose registration of SNE NAKODA in Opposition No.1294855, and also the respondent's application for registration of SNE FASTING SYSTEM (Word Mark) in Opposition No.1268957. Similarly, in Opposition No.1401204, the applicant has opposed the respondent's application for registration of word mark, NakodaSne. He would also invite my attention to the rectification petition filed by the Applicant in Opposition No.1268958 for the mark SNE NAKODA.

6. Pointing out to the alleged malafide actions of the respondent, Mr.A.Jayesh Kumar Daga, learned counsel for the applicant contends that only in or about December 2025, the applicant came to know after a routine market vigilance search conducted in the official records of trademark Registry that the respondent has attempted to get SNE NAKODA FASTENING SYSTEM, registered under Application No.7178816 in the very same Class 6, pertaining to metal hardware goods. Referring to the said application filed by the respondent, Mr.Jayesh Kumar Daga, learned counsel contends that the application itself was filed only on 15.08.2025, though the respondent claimed an alleged user from 01.01.2021. He would however state that the claim of user from 01.01.2021, is totally unsubstantiated and in any event, it is long after the plaintiff adopted SNE NAKODA in the year 2017. The learned counsel would further state that though a cease and desist notice was issued on 02.01.2026, the

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respondent, without complying the lawful demands made by the applicant only sent a reply, dated 16.01.2026, denying the alleged infringement and passing off action. He would also point out the malafide steps taken by the respondent after being served with the cease and desist notice, in seeking rectification of the registration of trademark NAKODA PROPLUS and PRO NAKODA, in favour of the applicant/plaintiff by filing such vexatious applications in February 2026, despite the applicant's trademark being on the file of the Register for several years.

7. The learned counsel would further states that though the respondent claims that NAKODA is the name of a Jain god and it is claimed by the respondent that the applicant cannot claim any proprietory or absolute right to use the word NAKODA, the respondent does not even belong to the Jain community in the first place. Therefore, adoption of the mark is clearly not bonafide and in fact, dishonest and only with a view to the deceive the general public and pass off the respondent's goods as if it is the goods of the applicant.

8. In support of his submissions, the learned counsel for the applicant/plaintiff has relied on the following the decisions:-

(i) *T.V.Venugopal Vs. Ushodaya Enterprises Limited and Others,* reported in *2011 INSC 176;*

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(ii) *Midas Hygiene Industries P. Ltd and Others* vs. *Sudhir Bhatia and Ors*, reported in *(2004) 3 SCC page 90*;

(iii) *Peps Industries Private Limited Vs. Kurlon Limited*, reported in *2022:DHC:4095-DB.*

(iv) *Kailash Chand Surana Vs. Tara Ram Seervi,* in *O.A. Nos.275 and 276 of 2026, in C.S. (Comm Div) No.96 of 2026, dated 01.04.2026, O.A. No.883 & 884 of 2026, dated 28.08.2026* as well as in *O.A. Nos.103 and 104 of 2026, in C.S.(Comm Div.) No.41 of 2026, dated 11.02.2026,* where this Court finding prima facie case being made out for grant of an interim injunction, in similar circumstances where the applicant has complained of infringement and passing of its marks viz., NAKODA PROPLUS and PRO NAKODA, has granted interim injunction against various other third parties.

9. Per contra, Mr.V.Arunagiri, learned counsel for the respondent would contend that the respondent has only adopted the word NAKODA which represents the name of a god and use of the word NAKODA cannot be opposed by the applicant/plaintiff. He would further state that though the Applicant alleges infringement of the mark which comprises of SNE, the applicant/plaintiff admittedly has no registration for the said mark in in its favour and neither the applicant nor the respondent are having any registration of SNE and coupled with the fact that NAKODA, represents the name of a god, he would contend that the applicant cannot claim any proprietory right over

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NAKODA SNE. He would also point out that as many as 30 registration are in place using the acronym SNE across various Classes. The learned counsel would further state that the claims of goodwill and reputation made by the applicant are only self serving and a matter for trial.

10. As regards the respondent's business, the learned counsel contends that the respondent is operating out of Bangalore region and the respondent has been totally unaware of the applicant's business. He would further contend that the ultimate market to which, the applicant and the respondent serve are also entirely different and therefore, the applicant cannot restrain the respondent from doing business in SNE NAKODA. The learned counsel for the respondent therefore state that the applicant has not made out any prima facie case and balance of convenience is also only in favour of the dismissal of these Applications.

11. I have carefully considered the submissions advanced by the learned counsel on either side. I have gone through the affidavits filed in support of the above applications and the documents have been relied on by the Applicant/plaintiff, the counter affidavit filed by the respondent and various decisions that have been relied on by the learned counsel on either side.

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12. It is not in dispute that the applicant has several registrations in place for NAKODA, the marks containing the word NAKODA, including NAKODA PROPLUS and PRO NAKODA. It is also an admitted fact that for SNE NAKODA, though the applicant claiming use from 04.09.2017, the Applicant has not been successful in getting a registration of the said mark, in view of an opposition filed and pending, at the instance of a third party. However, it is suffice to record that the respondent has not opposed the registration of the applicant's trade mark application No.5392086 in Class 6. However, on going through the applicant's mark and the respondent's mark, I certainly find that the respondent's mark is deceptively similar to the applicant's mark. As rightly contended by the respondent, as on date neither the applicant nor the respondent have registration of the mark SNE NAKODA. Insofar as the claim of usage from September 2017, the applicant has been able to demonstrate prima facie that they have been using the mark SNE NAKODA, ever since September 2017 onwards, long prior to the claim of user by the respondent. On the other hand, though the respondent claims that user is from January 2021, nothing is forthcoming to substantiate the said self serving claim of usage of the mark SNE NAKODA. Therefore, for the purposes of adjudicating the interim applications, I am prima facie satisfied that the applicant is the prior user of the mark SNE NAKODA, though it is contended by the learned counsel for the respondent that the applicant has not even produced its package showing the use of mark SNE NAKODA.

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13. Considering the fact that the applicant as well as the respondent are in the same line of business, dealing with metal screws, clever and mischievous duplication of the name of the applicant, would be sufficient to confuse the consumers in market, thereby resulting in passing of the goods of the respondent, as if they are the products of the applicant/plaintiff.

14. Yet another contention that was taken by the respondent was that today, a turnover of Rs. 25 crores is nothing substantial and 100s' of Companies make a turnover of much more than this. I am unable to countenance this line of argument as well, for the simple reason that the turnover has to be viewed in the light of the goods in question. If the applicant/plaintiff has shown a turnover of Rs.25 crores by selling metal nuts and screws, costs of which admittedly, cannot be more than a maximum of about, say Rs.100/- or Rs.200/- and at best, certainly, when the applicant has shown a turnover of Rs.25 crores, in this line of business, it is only showing phenominal sale that has been achieved by applicant.

15. Coming to the decisions that have relied on, in *T.V.Venugopal*'s case, (referred herein supra) the Hon'ble Supreme Court held that when the petitioner has acquired extraordinary reputation and goodwill and the Company's products and services are correlated, identified and associated with the trade mark, then

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the use of the very same name, by the opponent cannot be termed as an honest user of the mark and that such adoption in fact, would be ex facie fraudulent and mala fide from the very inception.

16. In *Midas Hygiene Industries P. Limited's case*, (referred herein supra), the Hon'ble Supreme Court held that in cases of infringement, either of Trade Mark or Copy right, normally an injunction must follow and even mere delay in bringing action is not sufficient to defeat the grant of injunction. The grant of injunction become necessary, if it prima facie appears that the adoption of the mark was itself dishonest.

17. In *Peps Industries Private Limited's case*, the Hon'ble Division Bench of the Delhi High Court, held that the litigant though entitled to take different stands at different times, cannot take contradictory stands in the same case. The Hon'ble Division Bench further held that the Courts have consistently held that when the party itself is seeking registration of the mark, it cannot question the mark as being descriptive and incapable of registration. The ratio laid down in the above cases, would squarely apply to the facts of the present case.

18. Firstly, I see the user of the mark to be dishonest and not bonafide for the simple reason that though NAKODA is a descriptive word referring to a

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Jain god, the respondent does not even belong to the Jain community to claim to have adopted the mark NAKODA honestly. On the other hand, the applicant has shown the source for coining NAKODA SNE and also shown use for more than a decade now. Further, respondent himself has applied for registration of the mark, besides opposing the registration in favour of the applicant. In such circumstances, it does not lie in the mouth of the respondent to contend that the mark is a descriptive mark and therefore, the registration cannot be granted in favour of the applicant.

19. In view of the foregoing discussions, I am satisfied that the applicant has made out a prima facie case for grant of an interim injunction as prayed for, restraining the respondent from infringing its mark SNE NAKODA/NAKODA PROPLUS/ PRO NAKODA or NAKODA, NAKODA PROPLUS, PRO NAKODA and also passing off the said marks as if is that of the respondent. The attempts made by the respondent, who is admittedly, a later user is malafide and clearly with an intention to ride on the reputation and goodwill acquired by the applicant in the very same market. Thus, the balance of convenience is also in favour of the applicant. Even the aspect of irreparable loss and hardship can weigh and lean only in favour of the applicant/plaintiff, since if the interim order is not granted as prayed for, the applicant would be made to suffer huge monetary losses, besides risk of its reputation and image also been tarnished in the same market, in which both the applicant and the respondent operate.

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20. For the above reasons, I am inclined to allow the above applications and interim injunction is granted as prayed in O.A. Nos.273 and 274 of 2026.

13-11-2026

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P.B.BALAJI J.

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OA Nos. 273 & 274 OF 2026
in
C.S(COMM DIV) NO. 95 OF 2026

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13-11-2026

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