

KABC010096012025



CR100763/25  
dt 29/8/25

28/8/25  
CCH-16

## Order Sheet

In the Court of PRL CITY CIVIL AND SESSIONS JUDGE

FR No. : O.S./2657/2025

Registration No. : O.S./2685/2025

Main Matter : //

O.S. 2685/2025

Plaintiff Vs Defendent

1) ABARAN TIMELESS JEWELLERY PRIVATE LTD

1) ABHARAN JEWELLERS PRIVATE LIMITED

2) SUBHAS MADHUKAR KAMATH  
3) MAHESH MADHUKAR KAMATH  
4) SATVIK SUBHAS KAMATH  
5) PRABHAKAR SANIL

Nature of Case :

INJUNCTION SUIT

Provision of Law :

U/S 26 AND ORDER 7 RULE 1 OF CPC ,

Advocate for Plaintiff Sri./Smt. :

SIVARAMAN VAIDYANATHAN

Date of Filing :

09-04-2025

Date of Registration :

09-04-2025

Relief :

PRAYS TO PASS A JUDGMENT AND DECREE FOR PERPETUAL INJUNCTION RESTRAINING THE DEFENDANTS, AND THEIR PROMOTERS, SHAREHOLDERS, DIRECTORS, EXECUTIVES, SUCCESSORS, ASSIGNEES, REPRESENTATIVES, ASSOCIATES, DEALERS, AGENTS, SERVANTS, EMPLOYEES, FRACINSEES AND ANYBODY CLAIMING THROUGH OR UNDER THEM, AND AS PRAYED IN THE PLAINT.

Date of Cause of action :

06-04-2025

Receipt No.

Date

Purpose

Mode Bank Name

Amount

2284/2025-2026  
09-04-2025

Process Fee

Cash  
0

225.00

2284/2025-2026  
09-04-2025

Court Fee on Plaint

Cash  
0

75.00

1) IA 1/2025 - U/O VII Rule 14 2 of CPC SEC 151

IA Relief :

PRAYS TO DISPENSE WITH THE PRODUCTION OF ORIGINALS OF THE DOCUMENTS FILED WITH THE PLAINT.

2) IA 2/2025 - U/O XXXIX RULE 1 AND 2 R/W SEC 151 OF THE CPC



IA Relief :  
PRAYS TO PASS AN ORDER OF TEMPORARY INJUNCTION RESTRAINING THE DEFENDANTS, ETC FROM ISSUING/PUBLISHING ANY STATEMENT OR MATERIAL WHICH IS DEFAMATORY AND DEROGATORY OF THE PLAINTIFF UNTIL DISPOSAL OF THE PRESENT SUIT.

3) IA 3/2025 - U/O XXXIX RULE 1 AND 2 R/W SEC 151 OF THE CPC

IA Relief :  
PRAYS TO PASS AN ORDER OF TEMPORARY INJUNCTION RESTRAINING THE DEFENDANTS, ETC FROM INTERFERING WITH OR OBSTRUCTING THE PLAINTIFFS WEBSITES OR SOCIAL MEDIA ACCOUNTS UNTIL DISPOSAL OF THE PRESENT SUIT.

CAO/CMO

Registered and made over this case to CCH-10 court for disposal according to law.

Caveat No. 423/25,  
Dt:- 23/1/25 is put up

*[Signature]*  
PRL CITY CIVIL AND SESSIONS JUDGE  
BENGALURU

9-4-25

P-SV

Caveat No. 423/25  
is put up for final  
orders.

Issue notice to caveator and  
SS to defendant through Court and  
by hand. PF is paid.  
Call on 19-04-2025.

19/4/25  
XVII A.C.C. & S.J., B'luru.

Id dt to caveator &  
SS to defendant through  
by hand w/lo copy per  
TLC  
11/04

19-4-25

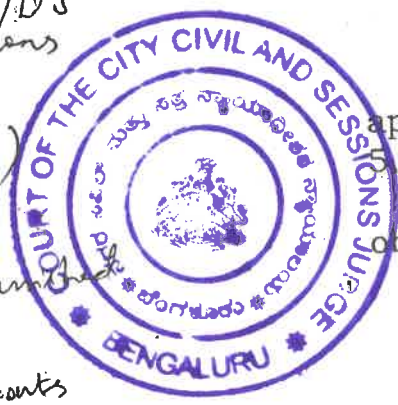
P-SV

Received from summons  
*Adethya*  
(KAR 11070/2023)

15/4/2023

later copies furnished  
15/04

Id SS to defendants  
through court  
18/04



Counsel for plaintiff present.  
Sri. N.K. filed memo of  
appearance for defendants No.1 to  
pray time. Permitted.  
For written statement and  
objections to I.A No.2 and 3.  
Call on 22-04-2025.

19/4/25  
XVII A.C.C. & S.J., B'luru.

(V)

2285/25

22-4-25

P - SV  
D1705-

For vakalath, N/S B L  
213

Respective counsels present.

Kept by.

Again case called out.

Respective counsels present.

Sri. N.K filed vakalath for defendants No.1 to 5 with copy of resolution, common objections to I.A No.2 and 3, list with 17 documents.

Counsel for plaintiff pray time. Permitted.

For hearing on I.A No.2 and

3.

Call on 23-04-2025.

22/4

XVII A.C.C. & S.J., B'uru.

23-4-25

P - SV  
D1705-NIC  
213

Respective counsels present.

Kept by.

Again case called out.

Heard arguments of Counsel for plaintiff on I.A No.2 and 3.

Counsel for plaintiff filed memo with 3 rulings and copy of orders

Counsel for defendant pray time. Final opportunity is given.

For hearing on I.A No.2 and 3 by the defendants finally as last chance.

Call on 24-04-2025.

23/4/25

XVII A.C.C. & S.J., B'uru.



10

04 2685/25

24-4-25

P-SV  
DITAS-NK

For orders by DITAS

Respective counsels present.  
Kept by at 2<sup>nd</sup> sessions.  
Again case called out.  
Respective counsels present.  
Heard arguments of  
respective counsels on I.A No.2 and  
3.

Counsel for defendants No.2  
and 3 submitted memo with ruling.  
Respective counsels are at  
liberty to submit written  
arguments on I.A No.2 and 3 by  
furnishing copy on other side on or  
before 26-04-2025.

For orders on I.A No.2 and 3.  
Call on 29-04-2025.

24/4/25

XVII A.C.C. & S.J., B'luru.

29-4-25

P-BV  
DITAS-NK

For orders

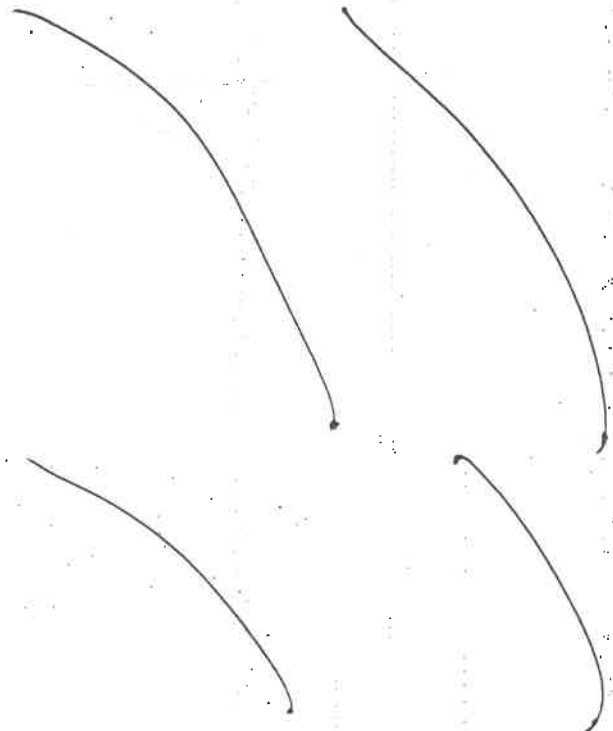
Respective  
counsels present.

Orders  
pronounced in Open  
Court.



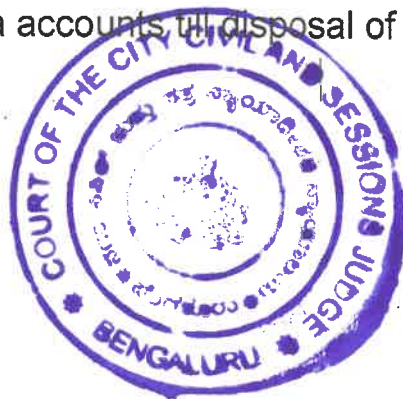
(6)

03 2685/05



ORDERS

The learned counsel for the plaintiff has filed IA No.2 to restrain the defendants from issuing/ publishing any statement or material which is defamatory and derogatory of the plaintiff till disposal of suit. IA No.3 is filed by the plaintiff to restrain the defendants from interfering with or obstructing the plaintiff's websites or social media accounts till disposal of suit.



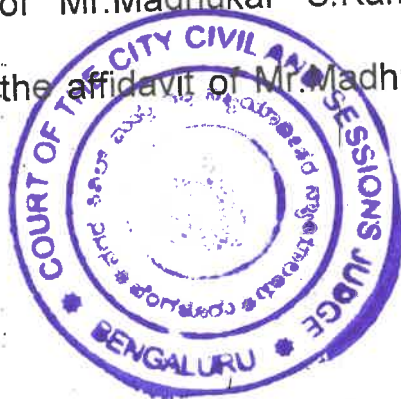
2. The said application is accompanied by the affidavit of the plaintiff. Per contra the defendants have filed objections to IA No.2 and 3.

3. Heard arguments of learned respective counsels on IA No.2 and 3.

4. The learned counsel for the plaintiff has submitted written arguments stating that the plaintiff's existence through its predecessors right for the year 1991 using the trading name and trade marks ABHARAN/ ABARAN are conclusively established by plaint document No.1, 2, 9 to 16. Page No.495 of the plaint document shows that the plaintiff's turn over for the year 2020-21 alone was Rs.148,76,67,100/-. The plaintiff has strong reputation and recognition in the market. The defamatory posts produced as plaint document No.4 at page No.56 and 57 are defamatory as they have used screen shots of plaintiff's Instagram account containing the plaintiff's registered trade mark



ABARAN and plaintiff's registered trade mark ABHARAN and used defamatory words such as scam alert, beware of impostors, desperate to confuse, deceive and steal, fraudulent attempt to blur identities and mislead customers, property theft is not new to them, they ride on stolen credibility, brand built on deception, unconstitutional demands in Court, report to illegitimate at ABHARAN.com, don't fall for fakes and scam account. The plaintiff is in business since from 1991 and the use of such words against the plaintiff are clearly motivated by bad faith and hatred towards the plaintiff because the plaintiff company has been handed over to the 2<sup>nd</sup> wife and son of Mr.Madhukar S.Kamath who is also the founder of defendant No.1 and father of 2<sup>nd</sup> and 3<sup>rd</sup> defendants and grand-father of 4<sup>th</sup> defendant. The relationship between the parties and division of business of Mr.Madhukar S.Kamath is conclusively shown by the affidavit of Mr.Madhukar S.Kamath dated



12.11.2024 and order of Civil Judge Udupi dated 02.04.2025 in IA.No.2 wherein there is a categorical finding that the parties are related through Mr.Madhukar S.Kamath and that the defendants have not denied handing over of the Bengaluru Firm to the plaintiffs who are directors of the plaintiff in this suit. The genuine nature of the plaintiff's business is established by the plaint document No.1, 2, 9 to 16. The use of words by the defendants are intended to defame the plaintiff and lower their reputation in eyes of general public. So also use of illegitimate or fake also lowers the dignity of 2<sup>nd</sup> wife and children of Mr.Madhukar S.Kamath. The plaintiff's business is also established by plaint document No.17 which is the order of Hon'ble High Court of Karnataka, Bengaluru dated 24.12.2024 in COMAP.571/2024 with categorical finding that the Plaintiff had made out a case for stay of impugned order and that the plaintiff was free to carry on business as

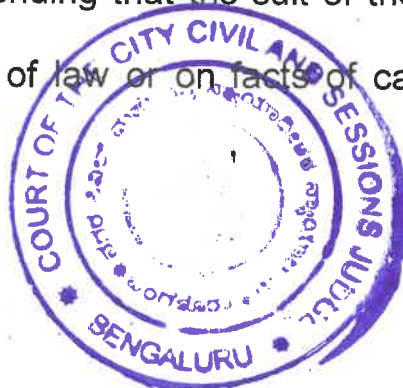


ABARAN jewellers in Bengaluru. The defendants have also admitted the posts and sought to justify the same as being true. The plaintiff's Instagram account was highly popular with over 83,000 followers and more than 3,800 posts since from 2009 pertaining to plaintiff's domain name www.abaran.in. The 1<sup>st</sup> point of contact between the plaintiff and their customers will be through online business. The plaintiff uses the said accounts and website for carrying their marketing activities and also regularly engaging with their existing and potential customers. Media and public at large are reliant on their online and any interference or obstruction there to will cause severe and irreparable loss to the plaintiff. The defendants have sought to justify their action by claiming that they are the registered proprietors of trade mark the original ABHARAN and that use of same expression by the plaintiff amounts to infringement and theft. The very fact that the defendant has not filed any



suit against the plaintiff for any alleged fraud or scam or theft or infringement of expression the original ABHARAN is proof that the defendants statements are false. The defendants cannot be permitted to defame the plaintiff or obstruct their online/ social media presence when the plaintiff has registrations for trade marks ABHARAN and ABARAN and the defendants have not taken any action in accordance with law to restrain the use of expression original ABHARAN or trade mark ABARAN. The plaintiff has a registration for the mark ABHARAN. <sup>e e</sup>The plaintiff has every right to use any prefix or suffix including the original or the best or the first or the only etc. <sup>e e</sup>The plaintiff has made out prima-facie case. <sup>e</sup>Hence, <sup>e</sup>the plaintiff <sup>e</sup>prayed to allow I.A.No.2 and 3.

5. Per contra, the defendants have filed written arguments contending that the suit of the plaintiff is not tenable in eyes of law or on facts of case. Fraudulent



suit has been filed. Since 1990, the defendants No.2 and 3 have been part of the jewellery business in the main branch of ABHARAN at Udupi which was initially started by Mr.Madhukar S. Kamath in 1979 and in 1990 partnership firm under the name M/s.ABHARAN Jewellers was started by the 2<sup>nd</sup> and 3<sup>rd</sup> defendants as partners of the said firm. In 2004, M/s.ABHARAN Jewellers, Udupi was firm and the defendants No.2 and 3 were continued to be the partners of new partnership firm. In 2011, the partnership firm of M/s.ABHARAN Jewellers Udupi converted into Private Limited Company. Application is filed for trade mark registrations of ABHARAN including Kannada and Hindi and registrations were obtained by M/s. ABHARAN Jewellers Udupi which is know transferred to the 1<sup>st</sup> defendant. Two entities were formed in 2011 and hence, cannot claim any association of right over the business or marks of the M/s. ABHARAN Jewellers Udupi which



is now transferred to the 1<sup>st</sup> defendant. Trade mark "The original ABHARAN" was applied by the 1<sup>st</sup> defendant in 2017 and got the mark registered in its name. Hence, the plaintiff has no right what so ever over the mark and combination of the word "The Original ABHARAN". The defendants have been using the said name since 2017 and till 2024 the plaintiff had no any problem. But, out of hatredness, the plaintiff started to file various frivolous suits and also defamatory statements in news papers and started to impersonate themselves as defendants. The affidavit dated 21.10.2014 of Mr.Madhukara S. Kamath clarify about the ownership of the defendants due to act of publishing defamatory statement in the place of business of the defendants, the defendants filed suit O.S.No.6045/2024 for defaming the defendants. When the plaintiffs are publishing such kind of defamatory statements directly in the place of business of the defendants, the plaintiff has not approached Court



with clean hands. The plaintiff has also filed O.S.No.5494/2024 before CCH-10, Bengaluru for permanent injunction to restrain the defendants from using the mark the original ABHARAN. Exparte T.I. was granted in the said suit. The plaintiff by hiding actual facts obtained the registration of mark ABHARAN even though they are only running business under the name ABARAN since 2011. The defendants have filed rectification of plaintiff's mark which is pending before Hon'ble High Court of Madras for consideration. Even though, the plaintiff obtained registration to the mark ABARAN<sup>e l e</sup>, the plaintiff has no right to use the mark and combination (The original ABHARAN) for which the defendants have registration. The plaintiff in their Instagram bio used the name the original ABHARAN registered since 1935 unauthorizedly, illegitimately without any authority. The plaintiff never used the mark ABHARAN / the original ABARAN for their business until



the initiation of 1<sup>st</sup> suit by the plaintiff in O.S.No.5494/2024. The plaintiff has only been using the mark ABARAN. Recently, the plaintiff has started to use the mark "The original ABHARAN since 1935" on their Instagram handle and on their Facebook page. The Instagram post by the defendants was a truth and hence, cannot be called defamatory. Narration about trade mark infringement and theft is a truth since the plaintiff has used the mark original ABHARAN for which only the defendants have rights conferred through trade mark registration. Any unauthorized / illegitimate use of the said mark amounts to I.P. theft. The word illegitimate in trade mark law means illegitimate usage in the sense, unauthorized usage of the marks. The plaintiff has no authority or legitimate right to use the mark original ABHARAN. Notice was issued in the interest of general public to make them aware about the infringers and the



defendants reserve<sup>e</sup> the right to file necessary suit in pursuance of the same.

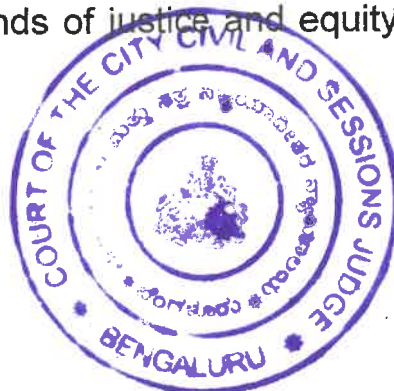
6. After hearing arguments of learned respective counsels and submission of written arguments, it is clear that the plaintiff has filed suit for perpetual injunction. The plaintiff has prayed to restrain the defendants from issuing/ publishing any statement or material which is defamatory and derogatory of the plaintiff till disposal of suit by filing IA.No.2. IA.No.3 is filed to restrain the defendants from interfering with or obstructing the plaintiff's websites or social media accounts till disposal of suits. It is not in dispute that the Instagram post is posted by the defendants. The defendants have admitted the post and sought to justify the same as being true. The Respective counsels have furnished voluminous documents. In view of ensuing civil vacation, it is not possible for the Court to pass considered order on IA No.2 and 3 as on priority basis



oldest matters are taken for disposal and due to paucity of time Court is not in a position to pass considered order on IA No.2 and 3. The family tree produced by the plaintiff has not been denied by the defendants and the relationship between parties is established by the order dated 02.04.2025 in O.S.No.342/2025 filed before Civil Judge, Udupi. On perusal of order of Civil Judge, Udupi on IA No.2 dated 02.04.2025, the learned Judge has given finding that the parties are related through Sri.Madhukar S. Kamath. The defendants have admitted that they have filed rectification of plaintiff's mark which is pending before Hon'ble Madaras High Court for consideration. The defendants have not taken any action in accordance with law to restrain the use of expression the original ABHARAN or trade mark ABARAN. It is a fact that the plaintiff has a registration for the mark ABHARAN. If the defendants are not restrained, the reputation and goodwill of the plaintiff on



online/ social media accounts will <sup>e be damaged.</sup> ~~cause irreparable loss~~  
~~and damage to the plaintiff~~ The allegation that the  
 plaintiff is a scam or a fraud would cause incalculable  
 and irreparable loss to the plaintiff. The defendants have  
 to take steps as required in law and have no authority to  
 post such defamatory statements against the plaintiff.  
 Looking to facts and circumstances of case, if the  
 defendants are restrained from issuing/ publishing any  
 statement or material which is defamatory and  
 derogatory of the plaintiff till next date of hearing, no  
 loss or hardship will be caused to any one and it will  
 meet ends of justice and equity. Looking to facts and  
 circumstances of case, if the defendants are restrained  
 from interfering with or obstructing the plaintiff's  
 websites or social media accounts till next date of  
 hearing, no loss or hardship will be caused to any one  
 and it will meet ends of justice and equity. Accordingly,



looking to facts and circumstances of present case, this Court proceed to pass following:-

**ORDER**

Interim order on I.A.No.2 is granted against the defendants from issuing/publishing any statement or material which is defamatory and derogatory of the plaintiff till next date of hearing.

Interim order on I.A.No.3 is granted against the defendants from interfering with or obstructing the plaintiff's websites or social media account till next date of hearing.

29/4/2025

XVII Addl. City Civil & Sessions  
Judge, Bengaluru.



For Orders

IA no. 2 & 3

2/6/2025

29/4/25

(20)

DL 2685/25

2-6-25

P SV

DITOS-NK

For order 23

Counsel for plaintiff filed application u/s 151 of CPC. Heard and perused. I.O on I.A is extended till next date of hearing.

Counsel for defendants No.1 to 5 present, filed application u/s 148 of CPC for extension of time to file written statement.

Heard.

Application for extension of time to file written statement by defendants No.1 to 5 is allowed.

For written statement and further hearing on I.A No.2 and 3.

Call on 29-08-2025.

I/c XVII A.C.C. & S.J., B'luru.

Returned SS of DITOS.

put up  
19/08

29-8-25

P SV  
DITOS-NK

For order 23

Both the counsels present. Counsel for plaintiff present and filed I.A to extend the interim order.

Perused I.A and as prayed therein interim order is hereby extended till next date of hearing.

Counsel for defendants filed written statement of defendants No.1 to 5 in duplicate.

To hear on I.A No.1 and 2 (both u/o 39 R 1 and 2 of CPC) by 10-10-2025.



XVII A.C.C. & S.J., B'luru.

R.NO: 64663/25

dt 29/8

CF 504  
pages = 19

29/8/25

Copying STS produced on \_\_\_\_\_  
CHARGES \_\_\_\_\_

Copying SHEETS required to be produced on \_\_\_\_\_  
CHARGES \_\_\_\_\_

Applicant required to appear on 8/9/25 \_\_\_\_\_

Applicant appeared on 11/9/25 \_\_\_\_\_

Cover ready on \_\_\_\_\_

Cover delivered on \_\_\_\_\_

ನಗರ ಸಿವಿಲ್ ನ್ಯಾಯಾಲಯ, ಬೆಂಗಳೂರು

ಈ ನಕಲನ್ನು ಆಸಲು ದಸ್ತಾವೇಜಿನ ಪ್ರಕಾರ ಯಾವ ಬದಲಾವಣೆಯಿಲ್ಲ  
ಮಾಡಬೇಕೆಂದು ಪ್ರಾರ್ಥಿಸಲಾಗಿದೆ ಎಂದು ದೃಢೀಕರಿಸಲಾಗಿದೆ.  
ಈ ನಕಲು ಪ್ರತಿಯು ಮೊಟ್ಟಮೊಟ್ಟಮಾತೆಗೆ 19 ಪುಟಗಳಿಂದ ಕೂಡಿದ್ದು  
ಇದರ ಮೇಲೆ ನ್ಯಾಯಾಲಯದ ಅಂಚು \_\_\_\_\_ ಮೊ ಗಳನ್ನು  
ಜಮಾ ಕೊಡಬೇಕು. ಮಾಡಿ ನಗಲು ಪ್ರತಿಗೆ ಲಗತ್ತಿಸಲಾಗಿದೆ.

*(Signature)*

*(Signature)*  
ಶಿರಸ್ತೇದಾರರು  
ನಕಲು ವಿಭಾಗ 4

