



2026:DHC:6905-08



\$~6

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

%

Date of Decision : 19.08.2026

CNR No. DLHC010264262026+ **FAO (COMM) 167/2026 CM APPL. 39262/2026 CM APPL. 39263/2026****UNICORN SNACKS PRIVATE LIMITED** AppellantThrough: Ms. Swathi Sukumar, Sr. Adv. with
Mr. Akshat Agrawal, Mr. Upamanyu
Sharma, Mr. Shivam Kaushik and Mr.
Raj Karn, Advs.

versus

**ISHAN SNACKS AND NAMKIN PRIVATE
LIMITED & ANR.**

.....Respondents

Through: Mr. Anshul Goel and Mr. Ashok
Goel, Advs.**CORAM:****HON'BLE MR. JUSTICE V. KAMESWAR RAO****HON'BLE MS. JUSTICE MANMEET PRITAM SINGH ARORA****V. KAMESWAR RAO, J. (ORAL)**

1. This is an appeal against an *ex-parte ad interim* order dated 21.05.2026 passed by the Ld. Trial Court in C.S. (COMM) No. 561/2026 titled *Ishan Snacks and Namkin Pvt. Ltd. v. Unicorn Snacks Pvt. Ltd. and Anr.*, vide which the Appellant was injuncted in the following terms:

“21. In view of the above discussion, this Court is of the opinion that prima facie a case of infringement of trademark, copyright and passing off is made out in favour of the plaintiff and against the defendant, and balance of convenience is also lying in favour of the plaintiff. Plaintiff will suffer irreparable



2026:DHC:6905-DB



loss in terms of goodwill if ex-parte ad-interim injunction, as prayed for, is not passed in its favour. Hence, the defendant, its associates and agents, directors, officers, employees, distributors, franchisee, representatives and assigns on its behalf are restrained from using any impugned trade mark/label/colour combination which is identical to the registered trademark/label/colour combination of the plaintiff in any form and in any manner which are identical and/or confusingly or deceptively similar to the plaintiff's "said trade marks/logos/labels/trade dresses/ packagings."

The Defendant's marks/logos/labels/packagings



and etc, on any goods, thereby restrained from infringing the plaintiff's registered trade marks and copyright, till the next date of hearing. As far as the application for appointment of local Commissioner, it is submitted that in order to preserve the subject matter of the suit, the local Commissioner be appointed and directed to visit the premise of defendant to find our violation and infringement of rights in the same trademarks. Ld. Counsel for the Plaintiff further submitted that the infringed goods seized from the premises of the defendants be also directed to hand over to the defendant on Superdari there is every likelihood that defendant would flee away after disposing off the seized goods."

Signature Not Verified

Signed By: MAHIMA
SHARMA
Signing Date: 25.08.2026
17:18

FAO (COMM) 167/2026

Page 2 of 6



2026:DHC:6905-DB



2. The Appellant had on 10.08.2026 indicated to this Court that it was willing to settle the dispute and adopt new packaging, without giving up its ability to use the words “PASTA”, and “KATORI”.

3. Today, Ld. Sr. Counsel for the Appellant and the Counsel for the Respondent No. 1 have submitted that, without prejudice to their rights and contentions, they have reached an amicable settlement.

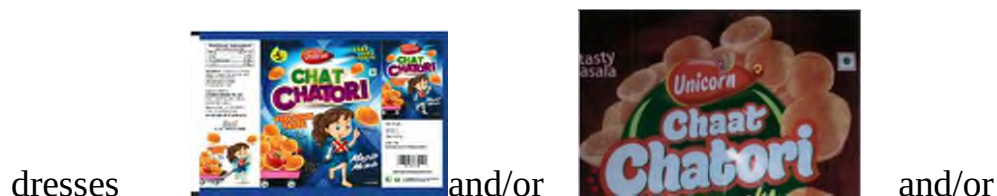
4. The terms of the settlement are as follows:

- (i) The Appellant acknowledges that Respondent No. 1 is the owner of the trademarks and copyrights in the labels/packages/trade dresses CHATORI, MODI'S CHATORI, CHIKU, MODI'S CHIKU, and the further marks/labels/packages/trade dresses



in law.

- (ii) The Appellant shall not use the marks/labels/packages/trade





2026:DHC:6905-DB



and/or



or any other

mark/label/packaging/trade dress deceptively similar to Respondent No. 1's aforesaid trademarks/labels/packaging/trade dresses mentioned in paragraph no. 4(i) hereinabove, in respect of snacks, namkeen and/or allied goods/services.

(iii) The Appellant shall not use the label/packaging/trade dress



and



and/or any other

label/packaging/trade dress which is deceptively similar to Respondent No. 1's aforesaid labels/packaging/trade dresses mentioned in paragraph no. 4(i) hereinabove, in respect of snacks, namkeen and/or any other goods/services.

(iv) The Appellant states that it has no pending trademark registration applications or copyright registration applications in respect of the above impugned marks/labels/packaging/trade dresses filed with the Registrar of Trade Marks and/or the Registrar of Copyrights.



2026:DHC:6905-DB



- (v) Respondent No. 1 undertakes that it has no objection to the



Appellant's use of the labels/packaging



and/or and the mark PASTA and KATORI per se.

- (vi) The Appellant shall pay to Respondent No. 1 a sum of Rs. 4,00,000/- (Rupees Four Lakh only) towards costs, within 15 days from the date of this order. The said amount will be in full and final settlement of all the claims raised by the Respondent in CS (COMM) No. 561/2026 against the Appellant/defendant no. 1.
- (vii) That the goods seized on *superdari* by the Local Commissioner shall be donated after removing the packaging by the Appellant to the extent possible, after payments of costs, and, the packaging will be destroyed/recycled with video recording, in the presence of the Respondent No.1's representatives, and in any case not used in trade or business.

5. The aforesaid undertakings furnished by and on behalf of the parties shall also be binding on their directors, their legal heirs, representatives, and



2026:DHC:6905-DB



assigns in the business of the Appellant, for all time to come. Similarly, Respondent No. 1 their directors, their legal heirs, representatives, and assigns in the business of the said Respondent will remain bound by the undertaking recorded at paragraph no. 4(v) hereinabove.

6. In terms of the settlement recorded above, it is ordered that the CS(Comm) 561/2026 pending in District Judge (Commercial Court)-11, Central, Tis Hazari Courts, Delhi is hereby decreed in the above terms recorded at paragraphs 4 and 5 of this order, in respect of the Appellant and the Respondent No. 1 and no further relief remains for adjudication in respect of the Appellant/defendant no. 1, in the present appeal.

7. A decree sheet be drawn up in terms of this order, insofar as it relates to the Appellant and Respondent No. 1.

8. A copy of this order has been shown to the learned counsel for the parties, who have assented to the same. Consequently, this appeal along with all pending applications, stands disposed of.

9. A copy of this order be sent to the learned Trial Court.

V. KAMESWAR RAO, J

MANMEET PRITAM SINGH ARORA, J

AUGUST 19, 2026/msh