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\* **IN THE HIGH COURT OF DELHI AT NEW DELHI**  
+ **CS(COMM) 743/2022, I.As. 17352/2022, 3914/2023, 3977/2023**  
**OM SAAI AGRO AND FOODWORKS PRIVATE LIMITED**

..... Plaintiff

Through: Ms. Kangan Roda, Mr. Nitesh Jain  
and Mr. Vatsal Chandra, Advocates.

versus

**YASH PAL BHANDARI T AS AMAR FOODS INDIA & ANR.**

..... Defendants

Through: Mr. Pran Krishna Jana and Ms. Anjali  
Kumari, Advocates with Mr. Kamal  
Bhandari in-person, Director of D-2.

**CORAM:**  
**HON'BLE MR. JUSTICE SANJEEV NARULA**

**ORDER**  
**19.01.2024**

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1. The Plaintiff is the registered proprietor of the marks “



”, and “



products. These marks are *inter alia* used on their packaging “



“



”,

and



”, that form the subject matter of the suit.

Plaintiff’s grievance in the instant suit pertains to the use of



“



”,



“



”,



” by the

Defendants.

2. On 20<sup>th</sup> October, 2022, finding a *prima facie* case in the Plaintiff’s favour, the Court granted an *ex-parte* ad-interim injunction restraining the use of afore-noted marks by the Defendants. Mr. Kamal Bhandari, the Director of Defendant No. 2, who is present in person, states that Defendants do not wish to use the impugned packaging, that have been restrained by the Court. He further informs that during the pendency of the suit, the Defendants have adopted new packaging for the impugned products, which



are reproduced below:



3. Mr. Bhandari submits that henceforth, Defendants shall only be using the modified packaging, which are not similar to the Plaintiffs' packaging/ label/ mark. Further, he undertakes to file suitable application for incorporating the above-noted changes to their mark/ label, that are the subject matter of their trademark applications No. 4139708 and 5130525.
4. Ms. Kangan Roda, counsel for Plaintiff, states that in light of the statement made by Defendant No. 2, the suit can be disposed of. She however requests for the refund of court fee.
5. Accordingly, taking the statement of Mr. Kamal Bhandari on record, the suit is decreed in favour of Plaintiff, binding Defendants to the statement made above.
6. Since the suit is being disposed of by consensus, the Plaintiff's request for refund of court fee is allowed, and Registry is directed to issue a certificate of refund of full court fee to the Plaintiff.
7. Decree sheet be drawn up.

**SANJEEV NARULA, J**

**JANUARY 19, 2024/nk**