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

+ **CS(COMM) 687/2024 with I.A. 36474/2024**

MR. PIRUZ KHAMBATTA & ANR.Plaintiffs

Through: **Mr. Saif Khan, Mr. Shobhit Agrawal,**
Advocates.

versus

M/S GURUJI TRADINGDefendant

Through: **Mr. Nishit Yogi and Ms. Tara Chand**
Yogi, Advocates for defendant.
Mr. Rahul, Mr. Naman Joshi,
Advocate for IndiaMart.

CORAM:

HON'BLE MR. JUSTICE AMIT BANSAL

ORDER

17.12.2024

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1. The present suit has been filed seeking relief of permanent injunction restraining the defendants from infringing the trademark and copyright of the plaintiffs, passing off along with other ancillary reliefs.
2. The plaintiffs are companies incorporated under the Companies Act, 1956. The plaintiff no.1 is the principal shareholder of the plaintiff no.2 company. Since 1972, the plaintiffs have been engaged in the business of soft drink concentrates. It is stated that the plaintiffs introduced the flavoured soft drinks in India and the same are widely popular because of their affordable prices.
3. It is further stated that over the years, the plaintiffs have expanded their business into the manufacturing and sales of other food products such as pickles, jams, curry etc. It is averred that due to affordable prices, the



plaintiffs have become a household name across India.

4. Since 1972, the plaintiffs have been selling their products under the trade mark 'RASNA' which is stated to be a coined and invented term in relation to edible products.

5. The plaintiffs are the registered proprietors of the mark 'RASNA' and its formative marks. The details of the registrations obtained by the plaintiffs in respect of mark 'RASNA' are given in paragraph 5 of the plaint.

6. Summons in the present suit were issued on 14th August, 2024. While issuing summons in the suit, an *ex parte ad interim* injunction order was also issued in favour of the plaintiffs, restraining the defendant from using the



impugned mark 'Ras-Hai-Na' / 'Ras-है-Na'. The operative part of the said order is set out below:

"47. Accordingly, till the next date of hearing, the defendant, their partners, affiliates, successors, assignees, officers, servants, employees, agents and any entity/firm/body incorporate, or any others acting for and on behalf of the defendant are restrained from using the impugned mark



'Ras-Hai-Na' / 'Ras-है-Na' or any other trademark, trade name, trade dress, which is identical or deceptively similar to that of the plaintiffs' trademarks, in relation to any product or service during the course of trade, amounting to an infringement, dilution, tarnishment, passing off, of the plaintiffs' trademarks and infringement of the plaintiffs' copyright and trade dress.

48. Additionally, the defendant, their partners, affiliates, successors, assignees, officers, servants, employees, agents and any entity/firm/body incorporate, or any others acting for and on behalf of the defendant are directed to immediately take down all post, listings and products on online trade platforms or any other websites available on the internet, bearing



the impugned mark 'Ras-Hai-Na' / 'Ras-है-Na' or any other trademark, trade name, trade dress, which is identical or



deceptively similar to that of the plaintiffs' trade mark, trade dress and trade name."

7. Counsel appears on behalf of the defendant and submits that he has no objection if a decree of permanent injunction is passed in favour of the plaintiff and against the defendant in terms of the prayer clauses 42 (a) to (d) of the plaint.

8. In view of the fact that there is no contest to the suit, the suit is decreed in terms of prayer clauses 42 (a) to (d) of the plaint. In terms of prayer clause 42 (f) the defendant is directed to hand over the impugned goods seized during the execution of the local commission proceedings to the plaintiff within one week from today for the purpose of destruction.

9. Counsel for the plaintiff does not press for the remaining reliefs prayed in the plaint.

10. Let the decree sheet be drawn up.

11. Further, IndiaMart Limited, is directed to take down all listings of the



products bearing the impugned mark 'Ras-Hai-Na' / 'Ras-है-Na' or any other trademark, trade name, trade dress, which is identical or deceptively similar to that of the plaintiffs' trade mark, trade dress and trade name from its platform.

12. Mr. Rahul, Advocate who appears on behalf of IndiaMart Limited assures the court that IndiaMart Limited shall promptly comply with the orders passed today.

AMIT BANSAL, J

DECEMBER 17, 2024/PB