



Serial No. 02
Daily List

HIGH COURT OF MEGHALAYA
AT SHILLONG

FA No. 7 of 2025

Date of order: 19.08.2025

1. Cideas Investments (India) Pvt. Ltd.
2. CG Foods India Pvt. Ltd.

...Appellants

- versus -

1. Subhoja Global Pvt. Ltd. a company registered under Indian Companies Act, 2013, having its registered office at 247 Park, 13th Floor, V.C. Park, Tower-B, Mumbai, Marashtra-400079, represented by its Managing Director.
2. Mr Vishal Goenka, Director, C/o Subhoja Global Pvt. Ltd., having its registered office at 247 Park, 13th Floor, V.C. Park, Tower-B, Mumbai, Marashtra-400079

...Respondents

Coram:

Hon'ble Mr. Justice I.P. Mukerji, Chief Justice
Hon'ble Mr. Justice W. Diengdoh, Judge

Appearance:

For the Appellants : Mr I. Kharmujai, Adv
Ms T. Pohlong, Adv
Mr V. Bansal, Adv

For the Respondent : Ms M. Surong, Adv

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| i) | Whether approved for reporting in Law journals etc.: | Yes/No |
| ii) | Whether approved for publication in press: | Yes/No |



JUDGMENT: (per the Hon’ble, the Chief Justice) (Oral)

We admit this appeal.

As the facts involved are very serious and urgent in nature, dispensing with all formalities we propose to hear out the appeal today.

We are absolutely surprised to read the impugned order dated 17th June, 2025. The plaintiffs instituted a trademark action being Commercial Suit No. 3 of 2025 against the defendants in the court of the Judge, Commercial Court at Shillong in or about April, 2025. It alleged infringement by the defendants of their registered trademark “WAI WAI” by registration of a mark “WOK WAY” and also passing off their goods as those of the plaintiffs.

On the face of it, this kind of a suit calls for urgent reliefs in the form of an injunction restraining the defendants from using the mark. It may or may not be pleaded specifically in the plaint that “urgent relief is contemplated,” the grounds of such urgent relief are usually made out in the interim application in aid of the suit.

The learned judge committed a serious error in rejecting the plaint. We set aside the impugned judgment and order dated 17th June, 2025. We allow the appeal.

This order is to be taken as one under Section 12A of the Commercial Courts Act, 2015 permitting the appellants/plaintiffs to



institute the suit without undergoing the process of mediation. The suit is revived. Any interim application pending before the court, on the merits of the case may be considered by the learned District Judge in accordance with law.

(W. Diengdoh)
Judge

(I.P. Mukerji)
Chief Justice

Meghalaya
19.08.2025
"Sylvana PS"