



FAO-COM-20-2025 (O&M) 1

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

1 **FAO-COM-20-2025 (O&M)**
Date of Decision:06.11.2025

Hippostores Technology Private Limited

....Appellant(s)

Versus

M/s Mahajan Engineering Works and another

.....Respondent(s)

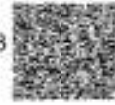
**CORAM: HON'BLE MR. JUSTICE ASHWANI KUMAR MISHRA
HON'BLE MR. JUSTICE ROHIT KAPOOR**

Present: Mr. Chetan Mittal, Sr. Advocate, with
Mr. Gurpreet Singh Kahlon, Advocate,
for the appellant.

Mr. Amit Jhanji, Sr. Advocate, with
Mr. Vikas Mohan Gupta, Advocate,
for respondent No.1-Caveator.

ASHWANI KUMAR MISHRA, J. (Oral)

1. This commercial appeal arises out of an order being passed by the Commercial Court, Ludhiana, whereby the application filed by respondent No.1-plaintiff under Order 39 Rules 1 & 2 CPC read with Section 151 CPC has been allowed and the defendant/appellant is restrained from using the mark "HIPPO" or any deceptively similar mark in their business name or products and from operating or franchising any stores or outlets under the infringed name, selling, advertising, or delivering goods bearing the infringed mark or logo, passing off their goods as those of the plaintiff, indulging in unfair trade practices and infringing the plaintiff's copyright or trademark rights, during the pendency of the suit.



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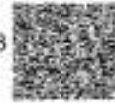
2. Heard learned counsel for the parties and perused the material available on record.

3. The injunction has been granted by the Commercial Court in the trademark suit instituted by the plaintiff/respondent against the defendant/appellant. Though the matter has been placed at extensive length by learned counsel for the parties, but we do not deem it necessary to refer to all such material considering the nature of order proposed to be passed today.

4. The commercial Court for the purposes of passing the order of injunction has observed as under:-

7. As per the defendants, their trademark and logo is different and their business is also different. There is no confusion between the customers. He has submitted that the defendants are manufacturing sanitaryware and bath fittings, electricals and lighting, tiles and flooring, wooden materials, paints and surface care, hardware and tools, modular kitchen etc. When the plaintiffs and defendants are manufacturing different articles, then there is no confusion between the customers. In this regard he has placed reliance upon **Khoday Distilleries Limited Vs. The Scotch Whisky Association, AIR 2008 SC 2737.**

8. I have considered the arguments and have gone through the file very carefully and found that the trademark, which has been used by the plaintiff and the defendants are the same. The only logo are somewhat different. As far as the business rivalry is concerned, I do not accept the argument of learned counsel for the defendants because in the plaint it has been specifically mentioned that the plaintiff are also manufacturing wires products, nails, panel pins, screws, nuts, bolts, horse shoes, wire



and wire products, all types of non alloy and alloy steel wires and trading of steel wires and wires rods and other steel and hardware products etc. and out of these, few items are also being manufactured by the defendants. It cannot be said that there will be no confusion and no loss is going to be caused to the plaintiff.”

(Emphasis applied by us)

5. Learned counsel for the appellant contends that the facts have not been correctly taken note of by the Commercial Court and on a misplaced factual premise, the order of injunction has been passed. With reference to the observations made in paragraphs 7 and 8 of the impugned judgment, it is contended that the defendant/appellant is not manufacturing sanitaryware and bath fittings, electricals & lighting and tools and other materials. Further observation of the Court that the plaintiff and the defendants are manufacturing different articles, is also factually incorrect. It is submitted that the defendant/appellant is actually running a store in which different products are being sold. It is also the case of the appellant that none of the products manufactured by the plaintiff/respondent is being sold. The question of any confusion or deception on account of use of the registered logo/trademark of the plaintiff/respondent is not likely to arise, has completely been omitted from consideration. Submission is that since facts have not been correctly noticed, therefore, the matter be remitted back for fresh consideration of facts.

6. Mr. Jhanji, learned Senior counsel for respondent No.1 has not dispute the arguments advanced on behalf of the appellant that they are not



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the manufacturers. Though the claim of the appellant is otherwise seriously disputed, but we are not inclined to dwell any further on the contentious issues raised as we find that the essential facts, which required consideration, have not been correctly noticed by the Commercial Court itself. On this short ground alone, we deem it appropriate to allow the appeal and remit back the matter to the Court concerned, leaving all legal and factual issues open for consideration.

7. In view of the above, order dated 13.10.2025 (wrongly typed 13.10.2024) passed by the Commercial Court, Ludhiana is set aside. The matter is remitted back to the Commercial Court concerned for fresh consideration, of course, in light the observations made hereinabove. Since the pleadings are already exchanged before the Court concerned, we direct the parties to appear before the Court on 12.11.2025 at 10 AM. We request the Commercial Court to hear the matter and decide the controversy afresh, as early as possible.

8. Pending application(s), if any, also stand(s) disposed of.

(ASHWANI KUMAR MISHRA)
JUDGE

(ROHIT KAPOOR)
JUDGE

November 06, 2025

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Whether speaking	:	Yes/No
Whether reportable	:	Yes/No