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

+ **C.O.(COMM.IPD-CR) 848/2022**

M/S SATISH CHAND PRAHALAD NARAINPetitioner

Through: Mr. Vivek Kohli, Senior Advocate
with Mr. Nalin Talwar, Mr. Anmol
Chawla, Ms. Sanjana Sharma and Ms.
Vasudha Chadha, Advocates.

versus

M/S PRAHALAD AND CO. AND ANRRespondents

Through: Mr. Shravan Kumar Bansal and Ms.
Shruti Manchanda, Advocates for
respondent no. 1.
Ms. Nidhi Raman, CGSC with Mr.
Zubin Singh, Advocate for respondent
no. 2.

CORAM:
HON'BLE MR. JUSTICE AMIT BANSAL

ORDER
28.01.2025

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1. A detailed order was passed by this Court on the last date of hearing,
i.e. 21st January, 2025, the same is set out below:

*“1. Pursuant to the hearing before this Court on 10th January, 2025,
the following terms of proposed settlement have been discussed in the
Court today:*

- (i) The respondent no.1 will change the shape of the leaf
occurring on its packaging.*
- (ii) The respondent no.1 will use another year instead of ‘1973’
on its packaging.*
- (iii) The respondent no.1 shall apply for a fresh registration of
the word mark ‘KAKA SADA’ within 15 days. The respondent no.1*



will not use the trademark registration number 549005 after it is granted registration.

(iv) The respondent no.1 shall change the colour of the dibbi on its packaging so as to completely distinguish it from the colour used by the petitioner.

(v) The petitioner will change the photo which is placed in the dibbi.

(vi) The petitioner shall not use the name 'Prahlaad' in the packaging.

(vii) Respondent no.1 shall be free to use the mark 'KAKA SADA'.

2. Counsel for the parties seek time to take instructions from their respective clients.

3. List on 28th January, 2025."

2. Counsel for the parties have taken instructions.

3. Accordingly, the present petition is disposed of with the following directions:

- i. Respondent no.1 shall not use the shape of the leaf used by the petitioner on its the wrapper/packaging.
- ii. Counsel for the respondent no. 1 has handed over in Court the new wrapper/packaging to be adopted by the respondent no. 1, wherein the shape of leaf has been changed.
- iii. Respondent no. 1 shall be free to use the trademarks 'KAKA SADA', 'KAKA CHHAP' and 'KAKA' in respect of which it has applied for fresh trademark registrations in class 34 on 27th January, 2025. Upon the grant of the aforesaid registrations, the respondent no. 1 shall stop using the trademark registration no. 549005.
- iv. The respondent no. 1 shall not use the year '1973' on its wrapper. It shall be free to use any other year.
- v. Respondent no. 1 shall change the colour of the *dibbi* on its wrapper



in a manner that would distinguish it from the colour used by the petitioner. Counsel for the respondent no. 1 has handed over in Court the new wrapper/packaging to be adopted by the respondent no. 1, wherein the colour of the *dibbi* has been changed to marron colour.

vi. The petitioner shall change the photo placed in the *dibbi*, which shall be substantially different from the photo used by the respondent no.1.

4. In line with the directions passed above, the respondent no.1 shall place on record the new wrapper/packaging to be adopted by the respondent no.1 within three (3) days with a copy to the counsel for the petitioner.

5. In view of the order passed above, the parties shall endeavour to settle all their *inter se* pending disputes. Parties shall not take any steps to precipitate the pending disputes.

AMIT BANSAL, J

JANUARY 28, 2025

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