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

+ **CS(COMM) 768/2024 & I.A. 38738/2024**

**GUJARAT CO-OPERATIVE MILK MARKETING FEDERATION  
LTD & ANR. ....Plaintiffs**

Through: Mr. Abhishek Singh, Mr. J. Amal  
Anand, Mr. Elvin Joshy, Mr. K.V.  
Vibu Prasad, Mr. Utkarsh Sahu & Mr.  
Ayush Soni, Advs.

versus

**TERRE PRIMITIVE & ORS. ....Defendants**

Through: None

**CORAM:**

**HON'BLE MS. JUSTICE MANMEET PRITAM SINGH ARORA**

**ORDER**

% **23.12.2025**

**I.A. 38738/2024**

1. This is an application filed under Order XXXIX Rule 1 and 2 of the Code of Civil Procedure, 1908 ['CPC'].
2. Learned counsel for the Plaintiffs states that the injunction order dated 09.09.2024 was passed, which has been implemented.
3. In view of the decree, the said injunction order is made absolute.
4. The application is disposed of.

**CS(COMM) 768/2024**

5. This suit has been filed seeking permanent and mandatory injunction, passing off, damages and other ancillary reliefs.
6. The Plaintiffs are engaged in the business of marketing milk and milk products under the trademark AMUL since 1948. AMUL is the house mark for the Plaintiffs.



7. The Plaintiffs' earliest registration is for the device mark



bearing TM no. 185698 in class 29, application dated 01.07.1958. The AMUL mark has been registered in various languages. Details of Plaintiffs' various AMUL registrations have been set out in paragraph '19' of the plaint.

8. The Plaintiffs' trademark AMUL was recognised as a well-known trademark by the Intellectual Property Appellate Board on 29.05.2015

9. The Plaintiffs' turnover for the year 2022-2023 was Rs. 55,073.59 crores.

#### **Overview of the Defendants**

10. Defendant No.1/Terre Primitive is engaged in the manufacturing, marketing and sale of products under the mark



/AMULETI ['impugned mark'].

11. The products bearing the impugned mark are being sold at <https://www.terreprimitive.it/chi-siamo/> ['impugned website'], of which Defendant No.2/Registrar S.P.A is the Domain Name Registrar ['DNR'].

12. The products bearing the impugned mark are also available on Defendant No.1's social media accounts on Instagram and Facebook, which are owned and operated by Defendant No.3/Meta Platforms Inc.

#### **Knowledge about Defendant No.1's infringement**

13. In August 2024, the Plaintiffs learnt about Defendant No.1 selling its confectionery products in India under the impugned mark, which is deceptively similar to the Plaintiffs' mark.



### **Submissions on behalf of the Plaintiffs**

14. Mr. J. Amal Anand, learned counsel for the Plaintiffs, states that he has taken instructions and the Plaintiffs would be satisfied if a decree of permanent injunction can be passed against Defendant Nos. 1 and 2 in terms of the injunction order dated 09.09.2024, more specifically paragraph '35' therein.

14.1. He states that the the social media accounts on which the impugned marks were being used by the Defendant No. 1 have already been taken down by Defendant No. 3, and Defendant No. 1 has not approached this Court to seek variation of the order.

14.2. He states that the impugned website is not functional as on date.

14.3. He states that Plaintiffs do not wish to press for their claim for monetary damages and that the suit may be decreed for the relief of permanent injunction in terms of the order dated 09.09.2024.

### **Court's Findings**

15. The Court has heard the submissions of the Plaintiffs and perused the record.

16. The predecessor bench of this Court vide order dated 09.09.2024 had issued summons and granted an ex-parte ad interim injunction in favour of the Plaintiffs.

17. The learned Joint Registrar (J), vide order dated 04.04.2025, recorded that Defendant Nos. 1 and 2 had been served with summons via email on 16.10.2024, and by the same order, closed their right to file written statements.

18. Thereafter, Defendant Nos. 1 and 2 were proceeded ex parte, and Defendant No.3 was deleted from the array of parties vide order dated



10.10.2025 in view of its compliance.

19. In these facts, the Court finds it apposite to produce the comparison of the marks of the Plaintiffs and the impugned mark of Defendant No.1, which is as follows: -

| PLAINTIFFS' AMUL TRADEMARK                                                          | DEFENDANT NO.1'S MARK 'AMULETI'                                                       |
|-------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------|
|    |     |
| LETTER BY LETTER COMPARISON OF THE MARKS                                            |                                                                                       |
|   |    |
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|  |  |
|  |  |

23. In the considered opinion of this Court, the Plaintiffs have successfully established their proprietary rights in the mark AMUL and have demonstrated that the Defendant No.1' use of the impugned mark amounts



to infringement and passing off. Defendant No.1's impugned marks



/AMULETI are deceptively similar to the Plaintiffs' registered mark AMUL. As per the record, Defendant No. 1 does not hold any registration for the impugned mark. Plaintiffs' mark AMUL is a well-reputed mark in India and the apprehension of the Plaintiffs that in the minds of the purchasing consumer, the products of Defendant No.1 bearing the impugned mark would be associated with the Plaintiffs is reasonable.

20. Since Defendant No. 1 has failed to take any requisite steps to contest the present suit and file its written statement despite having been afforded sufficient opportunities and being bound by the ex-parte ad-interim injunction order dated 29.05.2024, its conduct demonstrates a clear lack of intent to defend the present proceedings. Defendant No. 1 has failed to approach the Court for modification or vacation of the said injunction, evidencing their acceptance of the said injunction. In view of the aforesaid, all the averments made in the plaint and documents filed with the plaint are deemed to be admitted.

21. At this stage, it would be apposite to refer to Order VIII Rule 10 of CPC. The said Rule reads as under: -

**“10. Procedure when party fails to present written statement called for by Court.—**Where any party from whom a written statement is required under rule 1 or rule 9 fails to present the same within the time permitted or fixed by the Court, as the case may be, the Court shall pronounce judgment against him, or make such order in relation to the suit as it thinks fit and on the pronouncement of such judgment a decree shall be drawn up.”

22. It would also be relevant to refer to the dicta of a Coordinate Bench of



this Court in **Satya Infrastructure Ltd. & Ors. v. Satya Infra & Estates Pvt. Ltd.**<sup>1</sup>, which reads as under: -

“4. The next question which arises is whether this Court should consider the application for interim relief and direct the plaintiffs to lead ex parte evidence. The counsel for the plaintiffs’ states that the plaintiffs are willing to give up the reliefs of delivery, of rendition of accounts and of recovery of damages, if the suit for the relief of injunction alone were to be heard today. 5. I am of the opinion that no purpose will be served in such cases by directing the plaintiffs to lead ex parte evidence in the form of affidavit by way of examination-in-chief and which invariably is a repetition of the contents of the plaint. The plaint otherwise, as per the amended CPC, besides being verified, is also supported by affidavits of the plaintiffs. I fail to fathom any reason for according any additional sanctity to the affidavit by way of examination-in-chief than to the affidavit in support of the plaint or to any exhibit marks being put on the documents which have been filed by the plaintiffs and are already on record. I have therefore heard the counsel for the plaintiffs on merits qua the relief of injunction.”

[Emphasis Supplied]

23. In view of the fact that no written statement has been filed on behalf of Defendant No. 1, the averments made in the plaint have to be taken to be admitted. Further, since no affidavit of admission/denial has been filed in respect of the documents filed with the plaint, in terms of Rule 3 of the Delhi High Court (Original Side) Rules, 2018, the same are deemed to have been admitted. The plaint has been duly verified and is supported by the affidavit of the Plaintiffs, and considering the circumstances set out hereinabove, this Court is of the considered view that no triable issues arise in the present matter. Consequently, the suit is fit to be decreed in favour of the Plaintiff under the provisions of Order VIII Rule 10 of the CPC.

24. In view thereof, since there is no contest, this Court is of the view that the Plaintiffs are entitled to a relief of permanent injunction as claimed in the

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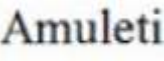
<sup>1</sup> 2013 SCC OnLine Del 508



plaint. Accordingly, a decree of permanent injunction is hereby passed in favour of the Plaintiffs and against Defendant No.1 in terms of paragraph '35' of the injunction order dated 09.09.2024. The relevant paragraph of the order reads as follows: -

“35. Accordingly, till the next date of hearing, the following directions are passed:-

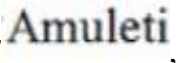
- i. The defendant no. 1, their principal officers, family members, servants, agents, dealer, distributors, franchisees and anyone acting for and, on their behalf, are restrained from selling, marketing, advertising, promoting or in any other manner using or dealing with the impugned

 / 

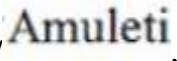
marks, or any other marks or logos which are identical or deceptively similar to the plaintiffs' marks or logos, in the physical market, or social media or e-commerce platforms or any other online platforms.

- ii. Defendant no. 1 and its principal officers, family members, servants, agents, dealer, distributors, franchisees and anyone acting for and, on their behalf, are further restrained from selling, marketing, advertising, promoting or in any other manner using or dealing with the plaintiffs' 'AMUL' trademarks or any logos or any word, which is identical or deceptively similar to the plaintiffs registered trademarks.

- iii. Defendant no. 1 is directed to take down the listing of products bearing

the impugned marks  / ,  
available at URL: <https://www.terreprimitive.it/cosa-facciamo/>.

- iv. Defendant no. 1 is directed to surrender to the plaintiffs, for destruction, all goods, advertisement materials, packing materials, cartons, wrappers, labels, which bear the impugned marks

 / , or any mark which is identical/deceptively similar to the plaintiffs' 'AMUL' trademarks.

- v. Defendant no. 3 is directed to block/suspend/delete the following URLs



pertaining to its social media platform 'Facebook': -

- a) <https://www.facebook.com/photo?fbid=122109044342104836&set=pcb.122109044444104836>
- b) <https://www.facebook.com/photo?fbid=122109044258104836&set=pcb.122109044444104836>
- c) <https://www.facebook.com/photo?fbid=122109044300104836&set=pcb.122109044444104836>
- d) <https://www.facebook.com/photo?fbid=122108423030104836&set=a.122108423054104836>

- vi. Defendant no. 3 is directed to block/suspend/delete the following URL pertaining to its social media platform 'Instagram':  
<https://www.instagram.com/p/C42Xz3wsyF0/>.”

25. Additionally, the suit qua Defendant No. 2 is hereby disposed of as not pressed.

26. The registry is directed to draw up a decree in terms of this order.

27. With the aforesaid directions, this suit, along with pending applications [if any], stands disposed of.

28. All future dates stand cancelled.

29. The digitally signed copy of this order, duly uploaded on the official website of the Delhi High Court, [www.delhihighcourt.nic.in](http://www.delhihighcourt.nic.in), shall be treated as a certified copy of the order for the purpose of ensuring compliance. No physical copy of the order shall be insisted by any authority/entity or litigant.

**MANMEET PRITAM SINGH ARORA, J**

**DECEMBER 23, 2025/mt/aa**