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

+ **CONT.CAS(C) 1291/2025**

ASICS CORPORATION

.....Petitioner

Through: Mr. Rishi Bansal, Adv. through Vc.
versus

SUMIT GARG PROPRIETOR OF KHELMART ENTERPRISES

.....Respondent

Through: Mr. Biswajit Dubey, Ms. Radhika
Bishwajit Dubey, Ms. Gurleen Kaur
Waraich, Mr. Kritarth Upadhyay, Ms.
Aparajita Verma, Mr. Shaurya
Vikram, Advs.

CORAM:

HON'BLE MR. JUSTICE AMIT SHARMA

ORDER

26.09.2025

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1. This hearing has been done through hybrid mode.
2. The present petition under Sections 11 and 12 of the Contempt of Courts Act, 1971 read with Section 151 of the CPC has been filed seeking the following prayers: -

“i. Initiate appropriate action against the Contemnor, for violating the order dated 30.09.2022;

ii. Arrest and detain the Contemnor and/or any other persons of authority in the Contemnor Company in a civil prison on account of its contemptuous act in violation of order dated 30.09.2022;

iii. Attachment of property of the Contemnor of such value or amount as this Hon'ble Court may deem fit;

v. Direct the Contemnor to immediately cease the use of the marks





through their website
<https://www.khalmart.com/> or through any other mode;

v. Impose exemplary costs upon the Contemnor for their wilful and deliberate violations and award such costs to the Petitioner towards cost of the present petition and damages; and/or

vi. Pass any other order and further orders which this Hon'ble court may deem fit and proper under the facts and circumstances of the present case.”

3. *Vide* order dated 30.09.2022 in CS(Comm) No. 322/22, the following directions were passed: -

“4. The case of the plaintiff as set out in the plaint in nutshell is that the Plaintiff, Asics Corporation is a company duly incorporated under the laws of Japan and is engaged in the business of manufacturing of sports footwear and apparel founded in Kobe, Japan by Kihachiro Onitsuka. It is further alleged that Plaintiff's history dates back to 1949 with the formation of Onitsuka Co. Ltd. It is further alleged that the Plaintiff in the year 1985 and in subsequent years, also came up with 'GEL' and various GEL formative marks such as GEL-KAYANO, GEL-NIMBUS, GEL-CUMULUS, GEL EXTEME etc., in relations to its goods and business. It is further alleged that the Plaintiff entered into Indian market in 2010 with an exclusive distribution agreement with Reliance Retail. Subsequently, in the year 2012 incorporated its own subsidiary by the name Asics India Pvt. Ltd.

5. It is further alleged that besides above mentioned trademark/label, the Plaintiff is also the owner of the well-recognized and popular brands ASICS,



TIGER, ONITSUKA TIGER and various ASICS formative trademarks/labels. For the purpose of

present suit,  (tiger stripe) and  along with formative marks have been referred to as '**said trademarks/labels**'. The said trademarks/labels of the Plaintiff have all the trappings of an invented and an arbitrary Trademark.



includes manufacture and sales of sporting shoes for Running, Volleyball, Tennis, Life style (Casual), etc., apparels (Including accessories as socks, hats, gloves) and sports Equipment (including bags and towels) [hereinafter referred as "***the said goods and business***"]. It is further alleged that the Plaintiff works in close collaboration with male and female athletes at their research and development center aims at promoting sound growth of the young generation through sports.”

4. On the first date of hearing, *i.e.*, 26.08.2025, learned counsel appearing on behalf of the respondent, along with the latter, who had appeared through video conferencing, had submitted an apology with regard to the advertisement on the website and had further submitted that the advertisement has since been taken off the website and further sought time to file a short affidavit giving his unconditional apology.

5. Subsequently, an affidavit dated 30.08.2025 was placed on record on behalf of the respondent wherein, it was averred that the act complained of occurred on account of inadvertent and unintentional oversight for which the respondent is tendering unconditional apology.

6. Subsequently, an additional affidavit has been filed dated 08.09.2025 wherein, the respondent has made affirmation to the following effect: -

“2. The Respondent/Contemnor most humbly reiterates the unconditional apology tendered before this Hon’ble Court in the Short Affidavit filed in compliance with the Order dated 26.08.2025, and is in addition to the Affidavit dated 26.08.2025.

3. In furtherance thereof, the Respondent undertakes that **he shall not, at any time hereafter, list, advertise, sell, or otherwise deal in any product that is identical with or deceptively similar to the petitioner’s registered trademarks, logos, or any mark/label.**



4. It is, however, respectfully clarified that this undertaking shall not preclude the Respondent from **listing and selling genuine products of the Petitioner.**”

7. In view of the above, learned counsel appearing on behalf of the petitioner does not wish to press the present petition.
8. The present petition is disposed of as not pressed.
9. Pending applications, if any, also stand disposed of.

AMIT SHARMA, J

SEPTEMBER 26, 2025/kr