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

+ **CS(COMM) 1054/2025 & I.A. 24504-07/2025**

DABUR INDIA LIMITED

.....Plaintiff

Through: Mr. Manish Kumar Mishra, Ms.
Akansha Singh and Mr. Saransh
Saini, Advocates

versus

MS. SAKSHI GOYAL & ANR.

.....Defendants

Through: Mr. Jaspreet Singh Kapur, Advocate

CORAM:

HON'BLE MS. JUSTICE MANMEET PRITAM SINGH ARORA

ORDER

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26.09.2025

1. The present suit has been filed under Section 2(1)(c) (xvii) of the Commercial Courts, Commercial Division and Commercial Appellate Division of High Courts Act, 2015. The present suit pertains to infringement of infringement of registered trade mark, copyright, passing off of the Plaintiff's Dabur Amla Hair Oil label/get-up/trade dress.

2. The cause of action paragraph in the plaint reads as under:-

“26. The cause of action in the present suit arose in the 3rd week of September, 2025 when the Plaintiff came across sale of Defendants' NIKHAR HERBALS Amla hair oil under the impugned label/getup/ trade dress being sold on e-commerce websites such as www.amazon.in, www.jiomart.com, www.indiamart.com, www.flipkart.com, www.tradeindia.com, www.exportersindia.com, www.shopsy.com etc. as well as via their own websites and social media profiles which are accessible within the jurisdiction of this Hon'ble Court. The cause of action also arose when the Plaintiff placed order for the delivery of the product within the territorial jurisdiction of this Hon'ble Court as evident from the order receipt placed on record. The cause of action is continuous and recurring as the Defendants are still selling, offering for sale, advertising the



impugned product from the e-commerce websites and the Defendants are collectively and in connivance are engaged in the illegal trade activities of manufacture, sale and promotion of Amla hair oil under the impugned label/trade dress/get-up. The said cause of action against the Defendants is a continuous cause of action until the Defendants are restrained from carrying out illegal activities.”

(Emphasis supplied)

3. It is stated that the Plaintiff in the third week of September, 2025 on a regular online search came across the Defendants’ Amla hair oil under the trade mark NIKHAR HERBALS in a label/trade dress/get-up



(hereinafter referred to as impugned product) selling on their own websites and various e-commerce websites. The perusal of the impugned product from the said websites showed that the same is blatant imitation of Plaintiff’s DABUR AMLA HAIR OIL label/trade dress/get-up.

4. Mr. Jaspreet Singh Kapur, Advocate enters appearance on advance service, on behalf of defendant.

4.1. He states that plaintiff had made an incorrect averment in the plaint



with respect to their date of knowledge of the defendants' activities.

4.2. He has handed over a copy of the legal notice calling upon the defendant to cease and desist notice dated 22.02.2017 issued by the plaintiff and served upon the defendant; the reply of the defendant dated 10.03.2017 through its advocate; and the rejoinder received from the counsel for the plaintiff dated 27.04.2017.

4.3. He submits that the exchange of these legal notices shows that plaintiff has been aware about the defendant's commercial activities and existence of its products since 2017.

4.4. He states that the defendant's packaging impugned in the present plaint has been used by the defendant since 2017. He, therefore, prays that the suit may be dismissed.

4.5. He states that he has invoices which show the continuous use of the trade-dress by the defendant.

5. Learned counsel for the plaintiff states on instructions that he seeks leave to unconditionally withdraw the present suit, in view of the aforesaid documents produced by the defendant.

6. The defendant is directed to place the relied upon documents on record under the cover of an index.

7. The suit is dismissed as withdrawn, without any liberty reserved.

8. The pending applications stand disposed of.

MANMEET PRITAM SINGH ARORA, J
SEPTEMBER 26, 2025/rhc/MG