



2025:DHC:1783



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

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Date of decision: 12th March, 2025

+ CS(COMM) 859/2023 with I.A. 24016/2023

**MANNAT GROUP OF HOTELS PRIVATE
LIMITED & ANR.**

.....Plaintiffs

Through: Mr. Subhash Bhutoria and Ms. Anuja
Negi, Advocates.

versus

M/S MANNAT DHABA & ORS.

.....Defendants

Through: None.

CORAM:**HON'BLE MR. JUSTICE AMIT BANSAL****AMIT BANSAL, J. (Oral)**

1. The present suit has been filed seeking relief of permanent injunction restraining the defendants from infringing the trademarks of the plaintiffs, passing off and other ancillary reliefs.

PLEADINGS IN THE PLAINT

2. The plaintiff no.1, Mannat Group of Hotels Private Limited, is a company incorporated under the Companies Act, 1956. The plaintiff no.2, Mr. Virender Singh Kadyan, is the promoter and managing director of the plaintiff no.1 company.

3. It is stated that the plaintiffs are amongst the leading brands of highway hotels in India and have received several awards and recognition for their high-quality services in the field of hotels and restaurants.

4. It is averred in the plaint that the plaintiffs' mark, 'MANNAT', forms



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an integral and essential part of the plaintiffs' business identity. Since its adoption in the year 2008, the plaintiffs have extensively and continuously used the brand and trademark 'MANNAT', as part of its tradename, trading identity, domain name, social media accounts, and the mark forms an essential part of its packaging.

5. The plaintiffs have established an iconic hotel and hospitality brand, and hence the brand and trademark 'MANNAT' enjoys an enviable goodwill, reputation and popularity which is evident from the revenue earned by the plaintiffs' hotels and restaurants, which were to the tune of Rs.1,02,67,92,520 for the financial year 2022-2023. Details of the plaintiffs' revenue figures are given in paragraph no.6 of the plaint.

6. The plaintiffs also spend a substantial amount of their revenue in promoting, marketing, and advertising their products and services branded under the trademark MANNAT. The plaintiffs' promotional expenditure for the financial year 2022-2023 was to the tune of Rs.1,22,79,256. Details of the promotional expenses incurred by the plaintiffs are given in paragraph no.9 of the plaint.

7. It is stated that the plaintiff no.2 is the rightful owner and registered proprietor of the MANNAT house of marks, which includes the trademarks,



MANNAT, MANNAT DHABA, , MANNAT GROUP, MANNAT RESORT, NH MANNAT *et al.* under various classes including classes 29, 32, 33, 35, 43 and 45, all of which are valid and subsisting. Details of the plaintiffs' trademark registrations are given in paragraph no.10



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of the plaintiff.

8. The case set up in the plaint is that the plaintiffs learned about the defendants' restaurants, which are operating on the Delhi-Dehradun highway near Saharanpur, Uttar Pradesh. The plaintiffs were shocked to note that the defendants have adopted and are using highly deceptive and infringing branding of MANAT DHABA / MANNATT DHABA / New MANNATT DHABA/ Shri MANNATT DHABA/ Apna MANNATT DHABA in respect of the identical business of restaurant services.

9. It is the case of the plaintiff that the defendants have also adopted and are using highly deceptive branding with prominence to the plaintiffs' brand and registered marks. It is submitted that by such slavish imitation and apparent deception, the Defendants are misrepresenting to the world at large that they are either associated with or are affiliated as a franchise or are licensed by the plaintiffs to operate identical businesses bearing the 'MANNAT' marks and branding.

10. It is also averred in the plaint that the defendants have adopted the plaintiffs' trademarks, solely to usurp the plaintiffs' immense goodwill and reputation. The defendants, who are offering identical services, are well aware of the plaintiffs' immense and global popularity, significant market share, and enormous consumer base, which is being targeted by them by adopting and using marks and names that are identical/deceptively similar to the plaintiffs' trademarks.

PROCEEDINGS IN THE SUIT

11. Summons in the suit and notice in the application were issued on 4th December, 2023.



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12. *Vide* order dated 4th January, 2024, this Court granted an *ex-parte ad interim* injunction in favour of the plaintiffs and against the defendants no. 1, 3 and 4.

13. The Joint Registrar in his order dated 21st August, 2024 recorded that the defendants no.1 and 4 were served on 1st January, 2024 and 1st February, 2024 respectively. However, since no written statement had been filed on their behalf and the maximum permissible time period for filing the same had expired, their right to file a written statement was closed.

14. This Court in the order dated 14th February, 2025 recorded that the defendants no.2 and 3 have stopped using the impugned mark and have adopted a new mark and hence, the plaintiffs do not press for any reliefs claimed against defendants no.2 and 3. Therefore, the defendants no. 2 and 3 were deleted from the array of parties. It was also recorded in the aforesaid order that none had been appearing on behalf of the defendants no.1 and 4 and therefore, the defendants no.1 and 4 were proceeded against *ex-parte*.

ANALYSIS

15. I have heard the submissions of Mr. Subhash Bhutoria, counsel for the plaintiffs and also perused the material on record.

16. The plaint has been duly verified and is also supported by the affidavit of the plaintiff. In view of the fact that no written statement has been filed by the defendants no.1 and 4, all the averments made in the plaint have to be taken to be admitted. Further, since no affidavit of admission/denial has been filed on behalf of the defendants no.1 and 4 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. Therefore, in



my opinion, this suit does not merit trial and the suit is capable of being decreed in terms of Order VIII Rule 10 of the Code of Civil Procedure, 1908.

17. Based on the averments made in the plaint and the documents placed on record, the plaintiffs have established their rights over the 'MANNAT' trademarks registered in respect of the plaintiffs. the defendants no.1 and 4 have slavishly and deliberately adopted and are using the plaintiffs' brands and trademarks, in respect of restaurant services in order to confuse the consumers and the public at large. Undoubtedly, the defendants are reaping undue benefit by riding upon the plaintiffs' goodwill associated with its brand and trademark 'MANNAT'.

18. In a similar case relating to hospitality brands, this Court in ***Foodlink F and B Holdings India Private Limited v. Wow Momo Foods Private Limited***, 2023 SCC OnLine Del 4719 has dealt with consumer confusion in close connection with trademark infringement and passing off. The relevant paragraph of the aforesaid case is set out below:

"12. The matter has to be examined from the perspective of the customer of average intelligence and imperfect recollection, who is neither a genius, nor a fool. One may, in a sense, liken him to Laxman's immortal "common man" who, even while being observant and discerning, always has that slightly befuddled look on his face. The consumer, moreover, must be one who is not overly familiar with either mark. The classical test is whether such a consumer, endowed with average intelligence and imperfect recollection, who chances on the plaintiff's mark at one point of time, and on the defendant's sometime later, is given to wonder whether he has seen the mark, or a mark associated with it, earlier. What is required, for infringement to be said to exist, is "initial interest confusion". In other words, if the initial interest generated by



seeing the defendant's mark places the consumer in a "state of wonderment."

19. Based on the discussion above, a clear case of infringement of trademark is made out. The defendants are blatantly violating the plaintiffs' statutory, proprietary, and common law rights in the plaintiffs' registered 'MANNAT' marks. The defendants have deliberately and with *mala fide* intentions, adopted and are using the plaintiffs' trademarks and branding, with unnoticeable variations, in respect to identical services, i.e. highway hotels and restaurants. Therefore, the plaintiffs have established a case of passing off as well.

20. At this stage, it may be relevant to note that despite service of summons, the defendants no.1 and 4 have not contested the present suit by filing a written statement.

21. Since the defendants no.1 and 4 have failed to take any requisite steps to contest the present suit, it is evident that they have no defence to put forth on merits.

22. Accordingly, the plaintiffs are entitled to the reliefs claimed in the plaint against the defendants no.1 and 4.

RELIEF

23. In view of the aforesaid discussion, a decree of permanent injunction is passed in favour of the plaintiffs and against defendants no.1 and 4 in terms of prayer clauses 31 a and b of the plaint.

24. Counsel for the plaintiffs does not press for the remaining reliefs prayed for in the plaint.

25. Let the decree sheet be drawn up.



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26. The pending application stands disposed of.

AMIT BANSAL, J

MARCH 12, 2025

Vivek/-