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

+ **C.O. (COMM.IPD-TM) 207/2023**

AADINATH INDUSTRIES

.....Petitioner

Through: Mr. Gaurav Kochhar and Mr. Kamal
Garg, Advocates
Ph. 9560570576
E-mail:mailkamalgarg@gmail.com

versus

KARNAL AGRICULTURAL INDUSTRIES LIMITED

.....Respondent

Through: Mr. Vaibhav Vutts, Ms. Aamna
Hasan, Ms. Anupriya Shyam, Ms.
Aarya Deshmukh, Advocates
(M:9971576500)

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+ **CS(COMM) 692/2018**

**KARNAL AGRICULTURAL INDUSTRIES
LIMITED**

.....Plaintiff

Through: Mr. Vaibhav Vutts, Ms. Aamna
Hasan, Ms. Anupriya Shyam, Ms.
Aarya Deshmukh, Advocates
(M:9971576500)

versus

AADINATH INDUSTRIES

.....Defendant

Through: Mr. Gaurav Kochhar and Mr. Kamal
Garg, Advocates
Ph. 9560570576
E-mail:mailkamalgarg@gmail.com

CORAM:

HON'BLE MS. JUSTICE MINI PUSHKARNA

ORDER
06.02.2025

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1. C.O. (COMM.IPD-TM) 207/2023 is a rectification petition filed on behalf of AADINATH INDUSTRIES seeking cancellation of the registered

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mark in Class-07 under Registration no. 1548950 in favour of KARNAL AGRICULTURE INDUSTRIES LTD.

2. On the other hand, CS(COMM) 692/2018, is a suit filed by KARNAL AGRICULTURE INDUSTRIES LTD.

3. This Court notes that vide order dated 29th May, 2015, *ex-parte ad interim* injunction was passed in favour of the plaintiff, i.e., KARNAL AGRICULTURE INDUSTRIES LTD. and against the defendant, i.e., AADINATH INDUSTRIES, in following manner:

“xxx xxx xxx

This Court is prima facie of the view that GAINDA and DOUBLE GAINDA is the main distinctive portion of the trade mark. Hence, any prefix or suffix can be only for the sake of reaping the benefit in the known name: GAINDA or DOUBLE GAINDA. There is a strong likelihood of the defendants product being passed-off as that of the plaintiff.

In the circumstances, the plaintiff has made out a case of grant of ex parte ad interim injunction in case such an order is not passed at this stage, irreparable prejudice would be caused to it. The balance of convenience too lies in favour of the plaintiff.

In the circumstances, till the next date of hearing, the defendants, their partners or proprietors, officers, agents, servants, their assigns in business, dealers and others associated with them are restrained from using the trade mark INDIAN DOUBLE GAINDA or any other mark, name, logo, monogram or label that is or may be identical with or deceptively similar to copyright, trade name and well known and registered trade mark DOUBLE, GAINDA of the plaintiff, or to market, sell, offer for sale, license, advertise, directly or indirectly deal in any identical and/or allied and cognate goods of the plaintiffs under such trade mark or doing any other thing as is



likely to lead to passing off and infringement of the plaintiffs copyright, and well known trade mark DOUBLE GAINDA.

The plaintiffs shall comply with the provisions of Order XXXIX, Rule 3 of the CPC within one week.

Dasti under the signature of the Court Master.”

(Emphasis Supplied)

4. The aforesaid order dated 29th May, 2015 was confirmed by order dated 20th January, 2017, in the following manner:

“IA. 12299/2015 (O 39 R1 & 2)

Learned counsel for the defendant has submitted that he has no objection if the application be disposed of confirming the ex parte ad interim injunction dated 29.05.2015 granted to the plaintiff.

Hence, the order dated 29.05.2015 granting ex parte ad interim injunction shall continue, till the disposal of the suit.

The application stands disposed of in these terms.

xxx xxx xxx”

(Emphasis Supplied)

5. Learned counsel for the defendant, i.e., AADINATH INDUSTRIES, submits that after the injunction order dated 29th May, 2015, the defendant has stopped using the mark, i.e., INDIAN DOUBLE GAINDA.

6. Learned counsel for the defendant, i.e., AADINATH INDUSTRIES, further submits that the defendant has no objection if the suit, i.e. CS(COMM) 692/2018, is decreed in favour of the plaintiff, provided that the plaintiff gives up its prayer for costs and damages.

7. Learned counsel for the plaintiff submits that in view of the statement given by defendant, the plaintiff shall give up its prayer for costs and damages, provided the defendant withdraws its connected Rectification Petition.



8. Learned counsel for AADINATH INDUSTRIES, i.e., petitioner in *C.O. (COMM.IPD-TM) 207/2023*, submits that in view of the injunction order dated 29th May, 2015 passed in *CS(COMM) 692/2018*, AADINATH INDUSTRIES, have not been using the mark INDIAN DOUBLE GAINDA. Thus, he submits that the petitioner in *C.O. (COMM.IPD-TM) 207/2023*, shall withdraw the said rectification petition.

9. Accordingly, *C.O. (COMM.IPD-TM) 207/2023* is dismissed as withdrawn.

10. In view of the submissions made before this Court, *CS(COMM) 692/2018*, is decreed in favour of the plaintiff, i.e., KARNAL AGRICULTURE INDUSTRIES LTD. and against the defendant, i.e., AADINATH INDUSTRIES, in terms of Paragraph 32 (a) of the plaint.

11. Decree sheet be drawn up.

12. The present suit, as well as the petition, accordingly stands disposed of.

MINI PUSHKARNA, J

FEBRUARY 6, 2025

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