



\$~30

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

+ **CS(COMM) 1025/2024, I.A. 45285/2024, I.A. 20233/2025**

M/S. ORIENT ELECTRIC LTD.Plaintiff

Through: Mr. Shubham Niwas, Adv.

versus

**MR. RAKESH KUMAR GUPTA PROPRIETOR OF M/S GOYAL
TRADERS & ORS.Defendants**

**Through: Mr. Rajesh Baweja, Adv. (through
VC) for D-1.**

CORAM:

HON'BLE MS. JUSTICE MANMEET PRITAM SINGH ARORA

ORDER

% 02.12.2025

1. The present suit has been filed seeking permanent injunction restraining the defendants from infringing the trademark along with passing off and other ancillary reliefs.
2. The Court vide order dated 19.11.2024 granted an ex-parte ad-interim injunction against the defendants.
3. Vide order dated 19.03.2025, defendant no. 2 and 3 were deleted from the array of parties and hence, the suit survives only against the defendant no. 1. The amended memo of parties dated 20.03.2025 is on record.
4. Mr. Rajesh Baweja, learned counsel appearing on behalf of the defendant no. 1 states that the suit has been instituted against defendant no. 1 on the averment that defendant no. 1 filed TM No. 5559590 on a proposed to be used basis for the subject mark 'Qrient Cab'.



4.1 He states that defendant no. 1 does not wish to pursue the said TM application and has already abandoned the said application.

4.2 He states that defendant no. 1 has never used the impugned mark 'Qrient Cab'.

4.3 He states that representing defendant no. 1, he appeared before the Court on 19.03.2025 and had conceded that a decree of permanent injunction can be passed against defendant no.1 in terms of prayer clauses (a), (b), and (c) of the plaint.

4.4 He states that defendant no. 1 does not wish to incur any legal cost in these proceedings and the suit may be disposed of qua defendant no. 1.

5. In response, learned counsel for the plaintiff states that he has to take instructions from plaintiff as one of the reliefs sought in the suit at prayer clause (e) is a declaration that 'ORIENT' is a well-known mark.

6. He states that there are no other reliefs which are sought to be pressed against defendant no. 1 here.

7. This Court has considered the submissions of the parties.

8. Plaintiff had sought an adjournment on 19.03.2025 to take instructions on the submissions of defendant no. 1. Eight months have since passed; however, plaintiff has not received any instructions.

9. This Court is of the considered view that defendant no. 1, who was the first to enter appearance and has already conceded to the reliefs of permanent injunction sought by the Plaintiff, ought not to suffer with any further legal costs.

10. In view of the fact that defendant no.1 has never used the mark and does not contest the plaintiff's proprietary rights, this Court fails to appreciate the reason why plaintiff wants to pursue the suit against



defendant no.1.

11. In view of the no-contest stance adopted by defendant no. 1, a decree of permanent injunction, in terms of prayer clauses (a), (b), and (c), is hereby passed in favour of the plaintiff and against defendant no. 1.

12. The plaintiff has not pressed the relief of damages and legal costs against defendant no. 1 and none is made out in the facts of the case since defendant no. 1 has not used the mark nor contested the suit.

13. The statement of defendant no.1 that it has already abandoned the TM application No. 5559590 is taken on record and it is held bound by the same.

14. Registry is directed to prepare a decree sheet in terms of this order.

Prayer clause (e)

15. The submission of the learned counsel for the plaintiff that the plaintiff may be interested in pursuing the relief at prayer clause (e) fails to persuade this Court, to continue with the suit proceedings in the absence of any contesting defendant.

16. The plaintiff has an efficacious statutory remedy to approach the Registrar Trademarks for seeking declaration of its status of well-known mark, if it is so advised.

17. The said relief (e) is disposed of without any adjudication, leaving open the rights and contentions of the plaintiff open to pursue the said relief in appropriate proceedings.

18. The suit is accordingly disposed of.

19. Pending application, if any, stands disposed of.

20. Future dates, if any, stands cancelled.

21. The digitally signed copy of this order, duly uploaded on the official website of the Delhi High Court, www.delhihighcourt.nic.in, shall be treated



as a certified copy of the order for the purpose of ensuring compliance. No physical copy of order shall be insisted by any authority/entity or litigant.

MANMEET PRITAM SINGH ARORA, J

DECEMBER 2, 2025/gm/AM