



2025:DHC:136-DB



\$~75

* IN THE HIGH COURT OF DELHI AT NEW DELHI

Date of decision: 13.01.2025

+ FAO (COMM) 3/2025 & CM APPL. 670/2025, 671/2025, 952/2025

RAVI RAJ SOULANKI

.....Appellant

Through: Ms.Swathi Sukumar, Sr. Adv.
Ms.Neha Khanduri, Mr.Ritik
Raghuwanshi, Ms.Komal
Sharma, Advs.

versus

M/S KRY FOREVER LLP & ORS.

.....Respondents

Through: Mr.Neeraj Grover, Mr.Mohit
Sharma, Mr.Ankur Tiwari,
Advs. for R-1.

CORAM:

HON'BLE MR. JUSTICE NAVIN CHAWLA

HON'BLE MS. JUSTICE SHALINDER KAUR

NAVIN CHAWLA, J. (Oral)

1. This appeal has been filed by the appellant, challenging the Order dated 13.12.2024 passed by the learned District Judge (Commercial Court-02), North West District, Rohini District Courts, Delhi in CS(COMM) 762/2024, titled ***M/s KRY FOREVER LLP v. Shrey Chimanlal Patel & Ors.***, granting an *ad interim ex-parte* order of injunction in favour of the respondent no.1 herein and against *inter alia* the appellant, in the following terms:

“25. (i) For the forgoing reasons and till further orders, the defendant(s) by itself/themselves as also through his/their



2025:DHC:136-DB



individual proprietors/partners/directors, agents, representatives, franchisee, employees, assigns, heirs, successors, and all others acting for and on their behalf are hereby restrained from using, selling, soliciting, exporting, displaying, advertising (including in audio, print, visual/social media or otherwise), directly or indirectly or dealing in any other manner or mode in the impugned artistic work under the impugned Trademark/label/logo 'THE CRUSH COFFEE/THE CRUSH



COFFEE/ or any other Trademark/label/logo/artistic feature which is or which may be identical with and/or deceptively similar to the plaintiff's said Trademark/label/logo/artistic work 'THE



COFFEE CONCEPT/ and its



acronyms label and Tag line/Punch line 'COFFEE SOLVES EVERTHING' in relation to their impugned goods/services and business of management of restaurants and café, on-line ordering services in the field of restaurants, café, take-out and delivery, franchising services and also engaged in Coffee, tea, cocoa, sugar, rice, tapioca, sago, artificial coffee; flour and preparations made from cereals, bread, pastry and confectionery, ices; honey, treacle; yeast, baking-powder; salt, mustard; vinegar, sauces (condiments); spices; ice as fall under class 30 as per Nice classification of Trademark and other allied & cognate business and services or from doing any other acts or deeds, thereby infringing plaintiff's registered trademark(s),



2025:DHC:136-DB



copyright and passing off their products as that of plaintiff.”

2. The learned senior counsel appearing for the appellant submits that in view of the earlier litigation between the respondent no.1 on one hand and the respondent nos.2 and 3 on the other, before the Commercial Court at Ahmedabad, being Commercial Trade Mark Civil Suit No.16 of 2023, titled ***Mr. Shrey Chimanlal Patel v. THE CRUSH COFFEE & Ors.***, an *interim* injunction in favour of the respondent no.1 and against the appellant and the respondent no.2 for the mark “The Crush Coffee” could not have been granted by the learned Trial Court.

3. She submits that even with respect to the label mark, the respondent no.2 was the proprietor of the said mark and hence, injunction could not have been granted for the same. She submits that as far as the label mark is concerned, however, the appellant be granted the liberty to move an application before the learned Trial Court for seeking vacation of the *interim* Order.

4. The learned counsel for the respondent no.1, on the other hand, submits that as far as the mark “The Crush Coffee” is concerned, the respondent no.1 is not seeking an *interim* Order for the same. He submits that in the plaint as well it was specifically so mentioned.

5. As far as the label mark is concerned, he submits that the adoption of the same by the appellant is *mala fide* and the marks are deceptively similar to that of the respondent no.1. He submits that he shall fully cooperate with the learned Trial Court to have an early adjudication of the application for vacation of the stay, if and when



2025:DHC:136-DB



filed by the appellant for the said mark.

6. In view of the submissions made hereinabove, we modify the Impugned Order dated 13.12.2024 passed by the learned Trial Court, and direct that there shall be no injunction on the appellant, or the respondent nos.2 and 3, from using the mark “The Crush Coffee” or the marks which the plaintiff in the suit at Ahmedabad had claimed as its own, as well as, the registered trademarks that were claimed by the respondent no.2 before the Commercial Court at Ahmedabad in the Suit referred hereinabove. As far as the other impugned label mark is concerned, in case the appellant is aggrieved by the injunction, it shall be open to the appellant to file an appropriate application before the learned Trial Court. If such an application is filed, the respondents shall file a response thereto, within a period of two weeks of receipt of a copy thereof. The learned Trial Court shall make an endeavour to dispose of the application filed by the respondents under Order XXXIX Rule 1 & 2 of the Code of Civil Procedure, 1908 and any application so filed by the appellant, within a period of four weeks of its first listing post this order.

7. In the above terms, the present appeal and the pending applications are disposed of.

8. *Dasti.*

NAVIN CHAWLA, J

SHALINDER KAUR, J

JANUARY 13, 2025/Arya/IK

Click here to check corrigendum, if any