



FAO-COM-17-2025 (O&M)

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**IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH**

FAO-COM-17-2025 (O&M)

Date of decision: 25.02.2026

RADICO KHAITAN LTD.

....Appellant

Versus

PICADILLY AGRO INDUSTRIES LTD.

...Respondent

**CORAM: HON'BLE MR. JUSTICE ASHWANI KUMAR MISHRA
HON'BLE MR. JUSTICE ROHIT KAPOOR**

Present: Mr. Akshay Bhan, Senior Advocate with
Mr. G. S. Kahlon, Advocate
Ms. Vindhya, Advocate
Mr. Harsh Garg, Advocate
Mr. Dinesh Gupta, Advocate
Mr. Shashank Kapoor, Advocate
for the appellant.

Mr. Puneet Bali, Senior Advocate with
Mr. Ajay Sahni, Advocate
Mr. Siddharth Bambha, Advocate
Mr. Abhirath A. Parasher, Advocate
Mr. Arvind Sandhu, Advocate
Mr. Amandeep Singh,
Mr. Jasman Singh Gill, Advocate
Ms. Fazi Singla, Advocate
for the respondent.

ASHWANI KUMAR MISHRA, J. (Oral)

1. This appeal arises out of judgment and order dated 23.09.2025 passed by the Additional District Judge, Karnal, whereby injunction has been granted in favour of respondent-plaintiff. The appellant-defendant was heard on the question of grant of interim relief. An order was passed by this Court on 09.10.2025 staying the effect and operation of the impugned judgment. The appellant-defendant was however directed to maintain separate statement of accounts in respect of manufacture and sale of offending liquor/product and submit it before the trial Court on a fortnightly basis, for appropriate



determination of cause at the stage of final disposal of this appeal.

2. In the present appeal, pleadings have been exchanged and learned counsel for the parties have been heard at substantial length. It has been observed by this Court that though while noticing the submission of the counsel for the parties, the concerned Court has correctly noticed the submissions, but it appears that while considering the case of the parties, such correct facts have not formed the basis of concerned Court's conclusion. We may observe that the registered trademark of the respondent-plaintiff is 'CASHMERE'. It has started manufacturing and selling Vodka in the year 2025 in the trade name 'CASHMIR'. Though the respondent-plaintiff has applied for registration of trademark 'CASHMIR', but till date, such mark has not been accorded registration. The defendant-appellant is manufacturing and selling Vodka in the name of 'THE SPIRIT OF KASHMYR'. The question before the Court was as to whether the plaintiff was entitled to injunction against the appellant-defendant from manufacturing and selling of Vodka in the name of 'THE SPIRIT OF KASHMYR', on account of its registered trademark 'CASHMERE' and use of mark 'CASHMIR'.

3. With the assistance of learned counsel for the parties, we have examined the impugned judgment of the Commercial Court, and from the observations of the concerned Court contained in para 41, 45 and 54, we find that the correct facts have not formed the basis of consideration of cause by the Court concerned.

4. Faced with such observations of the Court, learned senior counsel for the rival parties accord that instead of proceeding any further in the matter at this stage, the question of grant of injunction be remitted to the Court concerned



at the first instance, leaving all questions of fact and law open for consideration before the Commercial Court.

5. In that view of the matter, this appeal succeeds and is allowed. The judgment and order dated 23.09.2025 passed by the Additional District Judge, Karnal is set aside. Matter is remitted back to the Court of District Judge, Karnal, who is requested to hear the matter himself and decide the issue after affording an opportunity of hearing to the parties concerned. We may indicate that any observation made in this order shall not be considered as expression of opinion on the merits of the case of either parties. The parties undertake to appear before the Court of District Judge, Karnal on 10.03.2026. We request the Court concerned to take up the matter as per its earliest convenience and conclude the proceedings expeditiously.

6. We also record the statement of counsel for the parties that no adjournment would be sought by either of the parties in the proceedings before the Court concerned. The interim arrangement indicated in the order dated 09.10.2025 shall continue.

7. Pending applications, if any, shall stand disposed of accordingly.

(ASHWANI KUMAR MISHRA)
JUDGE

(ROHIT KAPOOR)
JUDGE

FEBRUARY 25, 2026

mohit goyal

Whether speaking/reasoned
Whether reportable

: Yes / No
: Yes / No