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

+ **CS(COMM) 192/2025 & I.As. 5719/2025, 12442/2025**

RETAIL ROYALTY COMPANY AND ANRPlaintiffs

Through: Mr. Urfee Roomi, Mr. Ayush Dixit
and Ms. Vanshika Bansal, Advocates.

versus

**RUPESH VISHVAMBAR PAITHANE, TRADING AS
CHAITANYA ENTERPRISES**Defendant

Through: Ms. Archana Gaur, Advocate
(DHCLSC) and Ms. Ridhima Gaur, Advocate.

Mr. Rupesh Vishvambar Paithane, Defendant in
person through VC.

CORAM:

HON'BLE MS. JUSTICE JYOTI SINGH

ORDER

29.01.2026

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1. Ms. Archana Gaur, learned counsel for the Defendant submits that pursuant to order dated 23.01.2026 in I.A. 12442/2025, an affidavit of undertaking has been filed on 27.01.2026, however, the same is not on record. Let the same be brought on record during the course of the day. However, copy of the said affidavit of undertaking is handed over in Court and is taken on record.

2. By this suit, Plaintiffs *inter alia* seek injunction against the Defendant and all others acting on its behalf from manufacturing, offering for sale, selling, displaying and advertising directly or indirectly on any platform goods under the impugned trademark ASIAN EAGEL and device mark



, which are identical and/or deceptively similar to Plaintiffs' trademarks AMERICAN EAGLE OUTFITTERS, AMERICAN EAGLE



and Flying Eagle device marks  ,  ,  and  .

3. Mr. Rupesh Vishvambar Paithane, Defendant had appeared in person in Court on 23.01.2026 represented by Ms. Archana Gaur and had stated that he would henceforth not manufacture, sell or offer for sale his products

under the impugned marks ASIAN EAGLE,  and/or any other mark similar, identical or deceptively similar to the Plaintiff's marks AMERICAN EAGLE OUTFITTERS, AMERICAN EAGLE and the flying

eagle  ,  ,  and  device marks. The undertaking was recorded and accepted directing Mr. Rupesh Vishvambar Paithane to file the affidavit of undertaking.

4. Pursuant to order dated 23.01.2026, Mr. Rupesh Vishvambar Paithane, Defendant has joined the Court proceedings virtually.

5. It is stated in the affidavit of undertaking that he has not sold any products under the impugned trademarks since August, 2025 and is currently in possession of 15-16 pairs of stock. It is further stated in the affidavit that



pursuant to order dated 18.08.2025, he has issued formal e-mail communications to the e-commerce platforms, namely, Amazon and Meesho for taking down the impugned listings and the said e-mail has been duly copied to learned counsel appearing for Amazon and Meesho on 20.08.2025. It is also stated that the facts stated in the present affidavit are true and correct to the best of Defendant's knowledge.

6. Mr. Rupesh Vishvambar Paithane further undertakes that he shall withdraw the application bearing No. 6582890 filed by him for registration of impugned trademarks within three weeks from today. This assurance is taken on record. Mr. Rupesh Vishvambar Paithane has been explained the consequences of violating the undertaking given to the Court.

7. Accordingly, suit is decreed in terms of paragraph 65(a) to (g).

8. Prayer (h) for declaring the AMERICAN EAGLE OUTFITTERS and AMERICAN EAGLE marks to be well-known is left open.

9. Defendant shall pay a sum of Rs. 5,000/- as nominal damages to the Plaintiffs within three weeks from today.

10. Registry is directed to draw up the decree sheet.

11. Suit is disposed of along with pending applications.

JYOTI SINGH, J

JANUARY 29, 2026

S.Sharma