

IN THE COURT OF SH. SIDHARTH MATHUR
DISTRICT JUDGE (NORTH-01): ROHINI COURTS: DELHI



DLNT010136742016
CS (COMM)/339/2021

adidas AG

.... Plaintiff

Versus

Neel Fashion

...Defendants

<i>Date of Institution</i>	<i>: 07.12.2016</i>
<i>Date of arguments</i>	<i>: 09.06.2026</i>
<i>Date of order</i>	<i>: 09.06.2026</i>

JUDGMENT

1. The plaintiff is a well-known company having operation all around the Globe. It is engaged in manufacturing and distribution of sports wear, sports equipments and other allied products. It is registered in India vide Certificate PW1/1. It has authorized PW1 Narendra Singh to file and prosecute this suit, vide POA PW1/2. The plaintiff company is universally known to be a pioneer in the field of its operations. It has a huge turnover and profits running into millions of Euro. It is the owner of the trademark “adidas” and its Logos vide Certificates

PW1/3 to PW1/7. It has exclusive copyright over the use of its trade name, logo, design and artistic works.

2. During its usual market survey and investigation, it transpired that the defendant is selling the counterfeit products bearing the trade mark of the plaintiff from its shop at Mangeram Park, Main Kanjhawala Road, Near State Bank of Patiala, Pooth Kalan, Delhi-86 through its proprietor Anil Solanki. The affidavit of the investigator with relevant photographs are PW1/8 to PW1/10. Hence, this suit was filed for injunction, passing off and rendition of accounts.

3. After the filing of this suit, the Ld. Predecessor appointed Local Commissioner to visit the premises of defendant vide order dated 07.12.2016. The Local Commissioner seized a total of 239 infringing products as per his report already on record.

4. The defendant was duly served and entered appearance through counsel. However, it stopped appearing thereafter and was proceeded ex parte on 07.04.2017 and remained so thereafter.

5. The plaintiff in support of its case examined its AR PW1 Narendra Singh vide affidavit PW1/A wherein he reiterated the plaint. The PE was then closed and final arguments were heard.

6. The un rebutted testimony of the AR of the plaintiff so read in the light of the report of the Local Commissioner already on record proves its case. It is proved on record that the defendant was engaged in the sale of the counterfeit and infringing products similar to those of the plaintiff. The report of the Local Commissioner shows that such products in considerable quantities were

seized from the defendant. The defendant thus needs to be restrained from selling and manufacturing of such counterfeit products.

The plaintiff is also seeking rendition of accounts. However the same cannot be granted as the defendant was ex parte. It is well settled that in such like ex parte cases, rendition of accounts cannot be ordered. However, seizure of substantial counterfeit products was effected from the custody of the defendant during the LC proceedings whereby the plaintiff is entitled to nominal damages. Accordingly, I am of the view that the interest of justice would be served if damages @ Rs.3 lakhs is granted.

7. Thus, in view of the aforesaid discussion, the suit of the plaintiff is decreed in the following manner : -

1. A decree of mandatory and permanent injunction is passed in favour of the plaintiff and against the defendant, thereby restraining the defendant and its individual proprietor, partners, directors, agents, representatives, distributors, assignees, heirs, successors and all other acting for an on their behalf from using, selling, soliciting, exporting, displaying, advertising marketing and selling of the product with and by using the impugned name/mark/label i.e. "adidas" or any other marks/words/name identical with and/or deceptively similar to that of the plaintiff's trademark "adidas" and from passing off their goods as those of the plaintiff by use of impugned trademark ;

2. The plaintiff is also awarded a nominal damages of Rs.3 Lakhs against the defendant; and

3. The plaintiff is also awarded the costs of the suit.

Decree sheet be accordingly prepared.

File be consigned to Record Room after necessary compliance.

Announced in the Open Court
on 09th June, 2026

(Sidharth Mathur)
District Judge-01(North Distt.)
Rohini Courts, Delhi/09.06.2026