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

+ CS(COMM) 41/2026, I.A. 1142/2026, I.A. 1143/2026, I.A. 1144/2026,
I.A. 1145/2026, I.A. 1146/2026 & I.A. 1147/2026

HEENA KOCHHAR & ANR.

.....Plaintiffs

Through: Mr. Kapil Midha, Ms. Muskaan Garg,
Ms. Sindhoora R., Ms. Vartika Gautam
and Mr. Garv Singh, Advocates.

versus

PRERNA SHARMA & ANR.

.....Defendants

Through: None.

CORAM:

HON'BLE MR. JUSTICE TUSHAR RAO GEDELA

ORDER

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16.01.2026

I.A. 1144 /2026 (Exemption)

1. This is an application filed on behalf of the plaintiffs under Section 151 of Code of Civil Procedure, 1908 (“CPC”) seeking exemption from filing dim documents, vernacular documents, documents with insufficient left side margin and pleadings containing underlined text.
2. The clear and typed/translated copies of the documents with proper margins of the dim annexures be filed within four weeks with an advance copy to the defendant.
3. The application stands disposed of.

I.A. 1145/2026 (Exemption from Pre-Institution Mediation)

4. This is an application filed by the plaintiffs seeking exemption from instituting Pre-Litigation Mediation under Section 12A of the Commercial Courts Act, 2015 (“CC Act”).
5. As the present matter contemplates urgent interim relief, in light of the



judgment of the Supreme Court in *Yamini Manohar vs. T.K.D. Keerthi*: (2024) 5 SCC 815, exemption from the requirement of Pre-Institution Mediation is granted.

6. The application stands disposed of.

I.A. No.1146 /2026 (Exemption from advance service to the defendant)

7. This is an application filed by the plaintiffs under Section 151 of the CPC, seeking exemption from advance service to the defendants.

8. Mr.Kapil Midha, learned counsel for the plaintiffs, submitted that there is a real and imminent likelihood that the defendants may take immediate steps to dispose of, conceal or suppress its infringing business operations and digital footprints bearing the deceptively similar trademark.

9. In view of the fact that the plaintiffs have sought an urgent *ex-parte ad-interim* injunction along with the appointment of the Local Commissioner, the exemption from advance service to the defendants is granted.

10. Accordingly, the application stands disposed of.

I.A. 1147 /2026 (Exemption)

11. This is an application filed under Section 151 of CPC seeking permission to file lengthy synopsis and list of dates.

12. For the reasons stated therein, the application is allowed.

13. The application stands disposed of.

I.A. 1142/2026 (Stay)

14. Present application has been filed on behalf of the plaintiffs under Order XXXIX Rules 1 & 2, CPC seeking *ex-parte ad interim* injunction against the defendants.

15. The plaintiff claims herself to be one of the top international fashion designers, well renowned in the global fashion industry for her signature styles comprising meticulous hand embroidery, traditional techniques, and refined silhouettes that integrate cultural heritage with contemporary luxury.



16. Plaintiff no.2 is the proprietorship concern of plaintiff no.1 and is engaged in the business of manufacturing and marketing artistic garments conceptualized and created by plaintiff no.1 under the trademark “HEENA KOCHHAR”. The plaintiff no.1 claims to be the owner and proprietor of the trademark “HEENA KOCHHAR” and has exclusive rights over the same.

17. Plaintiff claims violation of not only the registered trademark “HEENA KOCHHAR” but also the copyright of her original and artistic designs which are conceptualized by her in a unique manner.

18. The plaintiff’s garments are marketed and publicized under the original trademark “HEENA KOCHHAR” which is depicted in para 28. Plaintiff claims that the said registered trademark has been in use by her for a long time and all the garments are sold under the said trademark. The plaintiff has also enumerated the expenditure incurred in the last five years in para 32 which is extracted hereunder:

Financial Year	Expenditure in Rupees
2020-2021	3,20,402/-
2021-2022	4,72,018/-
2022-2023	9,88,810/-
2023-2024	9,98,536/-
2024-2025	22,62,199/-

The annual sales turnover of proprietors for the last five years are enumerated in para 33.

19. The tremendous goodwill and reputation that has been created by the plaintiff no.1 not only in the mainstream fashion, entertainment and business industries in India and in abroad also, which has been mentioned in detail in the plaint.

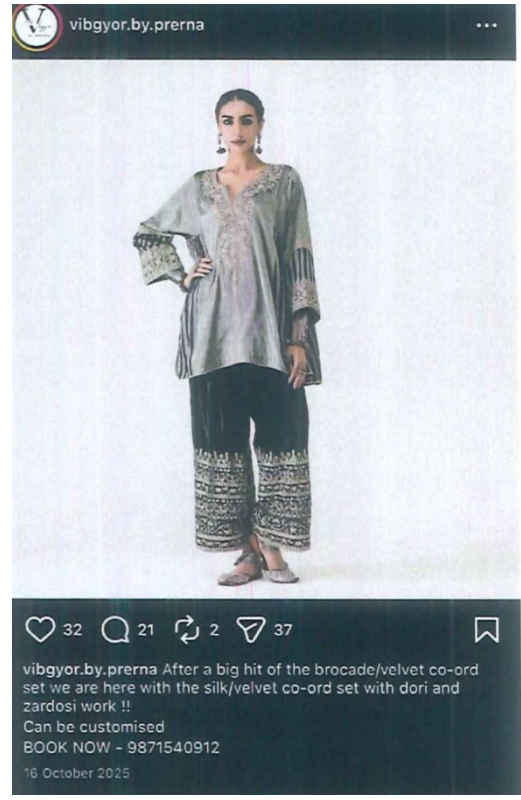


20. The plaint also discloses the innumerable renowned celebrities, musicians, models and famous personalities like the actress Tabu, Kangna Ranaut, Shabana Azmi and other influencers are also mentioned in para 13 of the plaint alongwith their photographs. Photographs of the unique creations and artistic work are also clearly depicted in para 19 of the plaint.

21. For the purpose of convenience, the table of comparison of the defendant's alleged counterfeit garments with the original garments of the plaintiff has been given in detail in para 47 and are extracted hereunder:

S.no	Plaintiff's unique garments as featured on plaintiff's website	Replicas/counterfeit garments sold by the defendants on their social media handles
1		



		
		 vibgyor.by.perna 32 21 2 37 vibgyor.by.perna After a big hit of the brocade/velvet co-ord set we are here with the silk/velvet co-ord set with dori and zardosi work !! Can be customised BOOK NOW - 9871540912 16 October 2025



22. Plaintiff is aggrieved by the dilution of not only her trademark but also the copyright in original and artistic work. She has claimed that the defendants have been dishonestly representing to the consumers that they are manufacturing the same identical garments under authorization of the plaintiff no.1.

23. It is alleged that not only is the defendant misrepresenting but also is infringing the trademark “HEENA KOCHHAR” which is clear from the photographs containing the watermark unauthorizedly. According to the plaintiff, the infractions of the defendant are not only violating the trademark “HEENA KOCHHAR” but also the copyright as also dilution of standards, unfair competition, misrepresentation and deception.

24. Predicated on the above, the plaintiff seeks *ex parte ad interim* injunction.

25. On a consideration of the aforesaid submissions and documents on record, it appears that not only is the defendant infringing the registered trademark of the plaintiff but also the copyright in the original and artistic works which are unique and exclusive to the plaintiff. The social media site, photographs of the defendant coupled with the whatsapp messages and chats between the parties, placed on record, *prima facie*, indicate that the defendants may be not only infringing the copyright but also misrepresenting to the consumers as if the goods manufactured by the defendant are those of the plaintiff. Moreover, the under pricing of the impugned goods also are, *prima facie*, a case of dilution of standards which may cause loss of goodwill and reputation of the plaintiff. The goods manufactured being common, the consumer base are also common to both the parties. The deception and misrepresentation by the defendant may confuse or deceive an unwary consumer of average intelligence and imperfect recollection that the goods of the defendant are in fact those of the plaintiff or manufactured under the



plaintiff's authorization. Keeping in view the annual sales turnover, the annual expenditure, the niche consumers, which may include top celebrities depicted from the photographs placed in the plaint, it appears that the plaintiff has made out a *prima facie* strong case for grant of *ex parte ad interim* injunction. The balance of convenience is completely tilted in favour of the plaintiff. In case *ex parte ad interim* injunction is not granted, the loss of reputation and goodwill and the dilution of standards that the plaintiff may suffer may not be adequately be compensated in monetary terms.

26. Accordingly, the following directions are passed:

- a. Defendants, their servants, agents and representatives and all others acting for and on her behalf, are restrained from manufacturing, reproducing, selling and/or offering for sale, advertising or communicating to the public in any manner any counterfeit/replica garments which are a colorable imitation and/or substantial reproduction of the plaintiffs' original artistic works and works of artistic craftsmanship including but not limited to styles mentioned in para 19, of the plaintiffs and/or from doing any other act which infringes the plaintiffs' copyright in any manner whatsoever.
- b. Defendants, their partners, directors, proprietors if any, franchisees, officers, servants, agents, distributors, stockists, representatives and anyone acting for or on their behalf are restrained from using the plaintiffs trade mark/ name "HEENA KOCHHAR" or any other mark which is deceptively similar to the trademark of the plaintiffs for any goods and services.
- c. Defendants, their servants, agents and representatives and all others act for and, on her behalf, to remove/take down all the content from their social media pages including Instagram and Facebook, which is violative of the plaintiff's intellectual property rights.



d. Defendants are directed to disclose before this Court by way of filing an affidavit, a detailed list of all infringing garments which have been manufactured by the defendants including both sold and unsold counterfeit garments and all documents concerning the manufacturing/marketing of impugned infringing garments of the defendants. The said affidavit be filed within four weeks of service of this order.

27. Let the reply to this application be filed by the defendants within 4 weeks from service and rejoinder, thereto, if any, be filed within 2 weeks thereafter.

28. List before the Joint Registrar (Judicial) for completion of service and pleadings on 24.03.2026.

29. List before this Court on 25.05.2026

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30. In the aforesaid circumstances, let the plaint be registered as a suit.

31. Upon filing of the process fee, issue summons of the suit to the defendants through all permissible modes.

32. The summons shall state that the Written Statement shall be filed by the defendants within 30 days from the date of the receipt of summons. Alongwith the Written Statement, the defendants shall also file an affidavit of Admission/Denial of the documents of the plaintiff, without which the Written Statement shall not be taken on record.

33. Liberty is granted to the plaintiffs to file Replication, if any, within 30 days from the receipt of the Written Statement. Along with the Replication filed by the plaintiffs, an Affidavit of Admission/Denial of the documents of defendant be filed by the plaintiffs, without which the Replication shall not be taken on record.



34. In case any party is placing reliance on a document, which is not in their power and possession, its details and source shall be mentioned in the list of reliance, which shall also be filed with the pleadings.

35. If any of the parties wish to seek inspection of any documents, the same shall be sought and given within the prescribed timelines.

36. List before the Joint Registrar on 24.03.2026 for completion of service and pleadings.

37. List before Court on 25.05.2026.

I.A. No.1143/2026 (for Appointment of Local Commissioner)

38. The present application has been filed by the plaintiffs under Order XXVI Rule 9 read with Order XXXIX Rule 7 of the CPC, seeking appointment of a Local Commissioner. The Court has considered the merits of the plaintiffs' case and has granted an *ex-parte ad-interim* injunction as recorded above in I.A.1142/2026 under Order XXXIX Rule 1 & 2 of the CPC.

39. After having perused the plaint and the documents in support thereof and hearing learned counsel for the plaintiffs, this Court is of the, *prima facie*, opinion that in order to preserve the evidence of the infraction by the defendants and in order to ensure that the injunction is fully complied with, it is deemed appropriate to appoint a Local Commissioner. Accordingly, the following is appointed as Local Commissioner with a direction to visit the premises of the defendants specified against their name:-

Sr. No.	Name and Contact details of Local Commissioner	Location



1.	Tina Anand Ph: 8447321647 D/8370/2021	H-98, Basement, Lajpat Nagar -1, New Delhi – 110024.
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40. The Commission be executed with the following directions:-

- i) Local Commissioner shall visit the premises of the defendant as outlined above to inspect and seize and take custody any infringing product of the defendant, and may be accompanied by representatives of the plaintiff in order to assist in conducting inspection of the said premises.
- ii) Local Commissioner shall make an inventory of the products bearing the impugned trade dress/packaging and/or any other deceptively similar trade dress/packaging to the plaintiff's packaging along with any marketing/packaging material, labels, brochures, advertisements, etc. thereof and provide a copy of the same to the representative of the plaintiff;
- iii) If knowledge is acquired of any other premises than the aforesaid premise, where the infringing product could be stored or services can be provided from, the Local Commissioner is free to record the same and then visit the other premises and conduct a seizure there as well;
- iv) Local Commissioner is permitted to take photographs/videos of the impugned material, products bearing the impugned packaging, and the defendants' premises so visited;
- v) Local Commissioner shall seize any and all products/materials,



stationery, goods, books of accounts etc., bearing the impugned trade dress/ packaging, procured at the premises of the defendants and release it on *superdari* to the representative of the defendants, with an undertaking that they will not be disposed of except under orders of this Court;

- vi) Local Commissioner shall inspect and make copies of the account books/ledgers/case books, bill books and all other relevant documents (whether maintained as physical copies or e-records) discovered from the premises mentioned herein above;
- vii) Local Commissioner is also permitted to break open the locks in case of resistance by the defendants and seek police assistance, if necessary;
- viii) To ensure unhindered and effective execution of the Commission, the Station House Officer (SHO) of the local police station within whose jurisdiction the premises of defendants lie, is directed to render all necessary assistance and protection to the Local Commissioner, if and when sought;
- ix) The Local Commissioner, while executing the Commission, shall ensure that there is no disruption to the business of the defendant, except for the purposes of the execution of the Commission. The Commission shall be executed in a peaceful manner.

41. The Commission be executed within a period of ten (10) days from today and the report of the Local Commissioner shall be filed within a period of two weeks thereafter.

42. The fees of the Local Commissioner is fixed at Rs.1,50,000/- (Rupees



One Lakh Fifty Thousand only), excluding out of pocket expenses, travel, lodging etc., to be borne by the plaintiff and paid in advance to the Local Commissioner.

43. Compliance of Order XXXIX Rule 3 of CPC shall be done within a week after the execution of the Commission.

44. It is directed that this Order shall not be uploaded on the Court's website till the execution of the commission is completed within the timeline and parameters directed in paras 40 & 41 above, so as to enable its effective execution.

45. Concerned parties shall comply with the directions in the order without waiting for the certified copy of the same.

46. Accordingly, the application is allowed and is disposed of.

TUSHAR RAO GEDELA, J

JANUARY 16, 2026/kct