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

+ **CS(COMM) 42/2026**

**TRIVENI HOUSEHOLD ITEMS MANUFACTURERS PRIVATE
LIMITED**

.....Plaintiff

Through: Mr. Ankur Sangal, Mr. Shashwat
Rakshit and Ms. Amira Dhawan,
Advocates.

versus

SHAH MOHAMMAD YASIN & ANR.

.....Defendants

Through: None

CORAM:

HON'BLE MR. JUSTICE TUSHAR RAO GEDELA

ORDER

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16.01.2026

I.A. 1171/2026 (Pre-Institution Mediation).

1. This is an Application filed by the plaintiff seeking exemption from instituting pre-litigation Mediation under Section 12A of the Commercial Courts Act, 2015 (“CC Act”).
2. As the present matter contemplates urgent interim relief, in light of the judgment of the Supreme Court in *Yamini Manohar v. T.K.D. Keerthi*, (2024) 5 SCC 815, exemption from the requirement of Pre-Institution Mediation is granted.
3. The Application stands disposed of.

I.A. 1172/2026 (Additional Documents)

4. The present application has been filed on behalf of the plaintiff under Order XI Rule 1(4) of the Code of Civil Procedure, 1908 (“CPC”) as applicable to commercial suits under the CC Act seeking leave to place on record additional documents.



5. As prayed, the plaintiff is permitted to file additional documents in accordance with the provisions of the CC Act and the Delhi High Court (Original Side) Rules, 2018 within thirty (30) days.

6. Accordingly, the application stands disposed of.

I.A. 1173/2026 (Exemption from filing original/ certified typed translated from vernacular and illegible copies of the documents)

7. This is an application filed on behalf of the plaintiff under Section 151 of the CPC seeking exemption from filing original/ certified typed translated from vernacular and illegible copies of the documents.

8. For the reasons stated therein, exemption is allowed, subject to all just exceptions.

9. The clear, original, certified, typed, translated and legible copies of the documents upon which they seek to place reliance, be filed within two (2) weeks’.

10. The Application stands disposed of.

I.A. 1174/2026 (Exemption from serving advance suit papers to the defendants)

11. This is an application filed by the plaintiff under Section 151 of the CPC seeking exemption from advance service of suit to the defendants.

12. Mr. Ankur Sangal, learned counsel for the plaintiff submits that there is a real and imminent likelihood that the defendant may take immediate steps to dispose of, conceal or suppress its infringing business operations and digital footprints bearing the deceptively similar trademark.

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

14. The application is disposed of.

I.A. 1169/2026 (Interim Injunction)



15. This is an application filed on behalf of the plaintiff under Order XXXIX Rules 1 and 2 of CPC seeking *ad-interim* injunction against the defendants.

16. It is stated that the business of the plaintiff was started by its founder and director Mr. Varun Kumar Tiwari in the year 1995 as a proprietorship concern, M/s Triveni Engineering. Pursuant to which, Mr. Varun Kumar Tiwari incorporated the Triveni Group of Companies including the Plaintiff Company, Triveni Household Items Manufacturers Private Limited in the year 2006, Triveni Almirah Private Limited in the year 2010 and Vyasv Industries (India) Limited in the year 2013.

17. Thereafter, in the year 2007, the plaintiff had applied and got the

trademark registration for its trademark  in the relevant class 20. It is stated that the plaintiff has filed several trademark applications for its trademark “TRIVENI”/”TRIVENI ALMIRAH” , which are still pending for registration before the Registrar of Trade Marks. It is further stated that the plaintiff is also the owner of the copyright in the original artistic work



18. The plaintiff claims that in light of its deep rooted presence across the country, the plaintiff has registered the domain name/website <https://www.trivenialmirah.com>, which is easily accessible to the customers nationwide.

19. It is also claimed that the plaintiff's trade mark has acquired significant reputation and goodwill. The sales figures of the plaintiff group of companies are given herein below:



YEAR	SALES FIGURES (INR in Crore)
2003-04	0.047
2004-05	0.071
2005-06	0.988
2006-07	1.417
2007-08	0.976
2008-09	2.777
2009-10	8.354
2010-11	12.197
2011-12	18.908
2012-13	18.668
2013-14	39.399
2014-15	50.597
2015-16	49.349
2016-17	67.149
2017-18	100.364
2018-19	109.246
2019-20	136.479
2020-21	148.487
2021-22	211.077
2022-23	257.005
2023-24	315.482
2024-25	381.013

20. The plaintiff also claims substantial social media presence on platforms such as facebook and instagram, etc. Apart from having its own e-commerce website, the plaintiff also claims presence on major third party e-commerce platform like amazon, flipkart, etc. It claims extensive goodwill and reputation in the market owing to long, continuous and extensive use of the marks “TRIVENI” and “TRIVENI ALMIRAH” and the device mark.



21. The plaintiff claims to have extensively advertised through advertisements in magazines, newspapers, pamphlets, banners, etc. Infact plaintiff claims that the trademark “TRIVENI” and the device mark indicate exclusivity to the plaintiff’s products/ the expenses incurred on promotion and advertisement, which have been given in details in para 20 of the plaint. Apart from the above, the plaintiff also claims to have been conferred with several awards and accolades, which are enlisted in para 22 of the plaint. It claims to have emerged as India’s most reputed brand in Steel Almirah manufacturers. It also claims that its trademark is well-known.

22. The plaintiff also claims that it has been vigilant in protecting its intellectual property rights, which is clear from the chart provided in para 25 of the plaint.

23. The plaintiff claims that it came across the offending products of the defendant under the impugned trade name “TRIVENI” / “A1 TRIVENI” and the device marks, the photograph whereof contained in para 26 of the plaint are enumerated hereunder:-

PLAINTIFF’S TRADE MARK	DEFENDANTS’ TRADE MARK
	

24. The plaintiff has also placed on record the first examination report of the trademark registry on an application seeking registration of its trademark by the defendant, which clearly indicates that the objection was raised by



referring to the registered trademark of the plaintiff. The plaintiff has also placed on record the response of the defendants to the examination report, which curiously states that there is no difference. The plaintiff asserts that the said impugned trademark application is presently under objection. The plaintiff also claims that the defendant did not respond to its legal notice, which also is an indicator of *malafide* on the part of the defendant. It is only when the defendant has used the social media extensively for advertising its product containing the impugned trademark and device mark of the plaintiff that the present suit has been filed. Predicated on the above, the plaintiff seeks *ex-parte ad-interim* injunction.

25. Having heard learned counsel for the plaintiff and after perusing the plaint and the documents thereto, it appears that, *prima facie*, the acts of infringement by the defendants are evident. Undoubtedly, the parties to the *lis* are in the same or identical trade and business, having a common or identical consumer base which is likely to deceive or confuse the consumers as to the genuineness of the product of the plaintiff. An unwary consumer of average intelligence may be deceived or confused as to the services being availed of are being provided by or on behalf of the plaintiff, which may be detrimental to their goodwill and reputation. Having regard to the fact that the plaintiff's

trademark TRIVENI/ TRIVENI ALMIRAH/  are registered in India and have been in use for a long time, *prima facie*, it appears that the defendants are infringing the registered trademark of the plaintiff and in case an *ex-parte* injunction as sought is not granted and the defendants are not restrained from continuing with the infringing activities, irreparable loss and injury would be caused to the plaintiff, which cannot be adequately compensated in monetary terms. The balance of convenience is tilted in favour of the plaintiff being the owner of registered trademark. Further, if the



defendants are not restrained from continuing with the infringement, it would lead to confusion and deception amongst the customers and general public.

26. Having regard to the aforesaid, the following directions are passed:

i. The defendants and all persons acting for or on their behalf are restrained from using the plaintiff's trademarks TRIVENI/

TRIVENI ALMIRAH/  or any other mark deceptively similar or identical thereto, in any manner whatsoever, amounting to infringement of the plaintiff's registered trademark, and

copyright in the original artistic work , till the pendency of the present suit;

ii. The defendants and all persons acting for or on their behalf are restrained from using the plaintiff's trademarks TRIVENI/

TRIVENI ALMIRAH/  or any other mark deceptively similar or identical thereto, in any manner whatsoever, amounting to passing off the defendant's services as those of the plaintiff, till the pendency of the present suit.

27. Issue notice.

28. Let a reply to this application be filed by the defendants within four weeks from service. Rejoinder, thereto, if any, be filed within two weeks thereafter.

29. The compliance of Order XXXIX Rule 3 of the CPC be done within a week.

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30. In the above 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 plaintiff to file Replication, if any, within 30 days from the receipt of the Written Statement. Along with the Replication filed by the plaintiff, an Affidavit of Admission/Denial of the documents of defendants be filed by the plaintiff, 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 25.03.2026 for completion of service and pleadings.

37. List before Court on 26.05.2026.

I.A. 1170/2026 (Appointment of Local Commissioner).

38. The present application has been filed by the plaintiff under Order XXVI Rule 9 & 10 read with Order XXXIX Rule 7 of the CPC, seeking appointment of Local Commissioner. The Court has considered the merits of the plaintiff's case and has granted an *ex-parte ad-interim* injunction as recorded above in I.A. 1169/2026 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 plaintiff, 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 Local Commissioner. Accordingly, the following is appointed as Local Commissioner with a direction to visit the defendant's premises specified against his/her name:

Sr. No.	Name and contact details of Local Commissioner	Location
1.	Mr. Mahender Kr. Arya Ph: 9717901044	Shah Mohammad Yasin/ M/s Shah Storewell Khusrupur, Shahpur Road, Lodipur, Patna Bihar- 803202.

40. The commission be executed with the following directions:-

- i. Local Commissioner shall visit the premise of the defendants as outlined above to inspect and seize and take possession/custody of any infringing product of the defendants, 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 alongwith 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 and take possession/custody of 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 premise 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 premise 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 defendants,



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 27 and 28 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/rl