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

+ **CS(COMM) 164/2026**

**TRIVENI HOUSEHOLD ITEMS MANUFACTURERS PRIVATE
LIMITED**

.....Plaintiff

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

versus

**MR. SAIF AHMED RAZA SHAIKH TRADING AS TRUSTED
TRADING & ANR.**

.....Defendants

Through: None.

CORAM:

HON'BLE MR. JUSTICE TUSHAR RAO GEDELA

ORDER

% **18.02.2026**

I.A. 4607/2026 (Exemption from Pre-Institution of 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 vs. 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. 4608/2026 (Additional Documents)

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

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5. 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.

6. Accordingly, the application stands disposed of.

I.A. 4609/2026 (Exemption from filing original/certified, typed, translated and fair/legible copies of the documents)

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

8. Exemption allowed, subject to just exceptions. However, the original/certified, typed, translated and fair/legible copies of the documents be filed within two weeks with an advance copy to the defendants.

9. The application stands disposed of.

I.A. 4610/2026 (Advance service on the defendants)

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

11. Mr. Ankur Sangal, learned counsel for the plaintiff submits 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 bearing the deceptively similar trademark.

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

13. The application is disposed of.

I.A. 4605/2026 (Stay)

14. Present application has been filed on behalf of the Plaintiff under Order XXXIX Rules 1 & 2 of CPC, 1908 seeking *ex-parte ad-interim* injunction against the defendant.



15. 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.

16. 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 .

17. 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. 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

18. 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 platforms 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.



19. 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.

20. 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. The plaintiff claims that it came across the offending products of the defendant under the impugned trade name “TRIVENI” / “TRIVENI DELUXE” / “DELUXE TRIVENI” and the device marks, the photograph whereof contained in para 28 of the plaint are enumerated hereunder:-

PLAINTFF’S TRADE MARK	DEFENDANTS’ TRADE MARK
TRIVENI	TRIVENI
TRIVENI ALMIRAH	TRIVENI DELUXE
	



21. The plaintiff has also issued a legal notice dated 21.11.2024 to defendant no.1, asking the defendant no.1 to stop its use, if any and withdraw its trademark application “on a proposed to be used basis” for impugned trademarks “TRIVENI/DELUXE TRIVENI”. 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. The plaintiff claims to have filed opposition against the trademark application bearing no.5860291 for trademark “DELUXE TRIVENI” in class 35 and rectifications against the registered trade mark bearing nos.5559487 and 5559488 for the mark “DELUXE TRIVENI”. The plaintiff also claims that the defendant no.1’s trademark applications for the mark “DELUXE TRIVENI” in class 20 were refused by the Trade Marks Registry on account of the plaintiff’s prior trademark registration. It is only when the plaintiff has come across the infringing products of the defendants under the impugned trademark in the market that the present suit has been filed. Predicated on the above, the plaintiff seeks an *ex-parte ad-interim* injunction.

22. 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 or 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.

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

- a. Defendants, their proprietors, partners or directors, as the case may be, their principal officers, servants, distributors, licensees, dealers and agents, and all others acting for and on behalf of the Defendants are restrained from selling, offering for sale, advertising, directly or indirectly dealing in any goods or services under the impugned trade

marks – “TRIVENI”/ “TRIVENI DELUXE”/ “”/

“DELUXE TRIVENI”/ “TIRVONI” /  or any other mark(s) which may be identical to or deceptively similar with the Plaintiff's

Trade Marks “TRIVENI”/ “TRIVENI ALMIRAH” / “”.

24. Issue notice.

25. 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.

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26. Let the plaint be registered as a suit.
27. Upon filing of the process fee within a week, issue summons of the suit to the defendant through all permissible modes.
28. The summons shall state that the Written Statement shall be filed by the defendant within 30 days from the date of the receipt of summons. Alongwith the Written Statement, the defendant shall also file Affidavit of Admission/Denial of the documents of the Plaintiff, without which the Written Statement shall not be taken on record.
29. 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 the defendant be filed by the Plaintiff, without which the Replication shall not be taken on record.
30. 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.
31. If any of the parties wish to seek inspection of any documents, the same shall be sought and given within the prescribed timelines.
32. List before the Joint Registrar (Judicial) on 22.04.2026 for completion of service and pleadings.
33. List before the Court on 20.08.2026.

I.A. 4606/2026 (Appointment of Local Commissioner)

34. The present application has been filed by the plaintiff under Order XXVI Rule 9 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.
35. After having perused the plaint and the documents in support thereof



and hearing the 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 defendant and in order to ensure that the injunction is fully complied with, it may be appropriate to appoint the Local Commissioner. Accordingly, the following are appointed as Local Commissioner with a direction to visit the premises of the defendants specified against their name:-

S.No	Name and Contact Details of the Local Commissioner	Location
1.	Mr. Chetan Kumar Giri, Advocate Ph: 9312147695	MR. SAIF AHMED RAZA SHAIKH TRADING AS TRUSTED TRADING BINDRA BAZAR, MEHNAGAR ROAD AZAMGARH, UTTAR PRADESH – 276 205

36. 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 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 defendant's 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 defendant and release it on *superdari* to the representative of the defendant, 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 defendant 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 defendant 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;

37. 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.

38. 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 Commissioners.

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

40. 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 36 and 37 above, so as to enable its effective execution.

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

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

43. Order *dasti* under the signatures of the Court Master.

TUSHAR RAO GEDELA, J

FEBRUARY 18, 2026

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