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

+ **CS(COMM) 308/2026**

APURVA RAJ & ANR.

.....Plaintiffs

Through: Mr. Y.P. Singh, Mr. Harshvardhan Singh Soam, Mr. Manish Singh, Advocates with Plaintiff No. 1 and AR of Plaintiff No. 2 in person.

versus

JIOSTAR INDIA PRIVATE LIMITED & ORS.Defendants

Through: Ms. Sneha Jain, Ms. Snehima Jauhari and Ms. Srishti Dhoundiyal, Advocates for D-1 to D-3.

Mr. Saikrishna Rajagopal and Mr. Bharat S. Kumar, Advocates for D-4.

CORAM:

HON'BLE MS. JUSTICE JYOTI SINGH

ORDER

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25.03.2026

I.A.7907/2025 (Exemption)

1. Allowed, subject to all just exceptions.
2. Application stands disposed of.

I.A. 7906/2026(for pre-institution mediation)

3. This application is filed on behalf of the Plaintiffs under Section 12-A of the Commercial Courts Act, 2015 read with Section 151 CPC seeking exemption from Pre-Institution Mediation.
4. Having regard to the facts of the present case wherein urgent relief is prayed for and in light of the judgment of Supreme Court in *Yamini Manohar v. T.K.D. Keerthi*, (2024) 5 SCC 815, as also Division Bench of



this Court in *Chandra Kishore Chaurasia v. RA Perfumery Works Private Ltd., 2022 SCC OnLine Del 3529*, exemption is granted to the Plaintiffs from Pre-Institution Mediation.

5. Application is allowed and disposed of.

I.A. 7908/2026 (u/O XI Rule 1 (4) r/w Section 151 CPC)

6. This application is filed on behalf of the Plaintiffs seeking leave to place on record additional documents.

7. Plaintiff, if they wish to file additional documents at a later stage, shall do so strictly in accordance with provisions of the Commercial Courts Act, 2015.

8. Application is allowed and disposed of.

I.A.8112/2026 (u/S 151 CPC)

9. This application is filed on behalf of Plaintiffs seeking leave to place on record the detailed synopsis and list of dates filed along with the present suit.

10. Issue notice.

11. Counsels, as above, accept notice on behalf of respective Defendants.

12. For the reasons stated in the application, the same is allowed permitting the Plaintiffs to place on record the detailed synopsis and list of dates.

13. Application is disposed of.

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14. Let plaint be registered as a suit.

15. Issue summons.

16. Counsels, as above, accept summons on behalf of the respective Defendants.



17. Written statements shall be filed by the Defendants within 30 days from today along with affidavits of admission/denial of the documents filed by the Plaintiffs.

18. It will be open to the Plaintiffs to file replications within 30 days from the date of receipt of written statements along with affidavits of admission/denial of documents filed by the Defendants.

19. If any of the parties wish to seek inspection of any documents, the same be sought and given the timeline prescribed in Delhi High Court (Original Side) Rules, 2018.

20. List before the learned Joint Registrar on 17.04.2026, who shall carry out admission/denial of documents and marking of exhibits.

I.A. 7905/2026 (u/O XXXIX Rules 1 and 2 r/w Section 151 CPC)

21. This application is filed on behalf of the Plaintiffs seeking *ex parte* ad interim injunction against the Defendants.

22. Issue notice.

23. Counsels, as above, accept notice on behalf of respective Defendants.

24. Mr. Saikrishna Rajagopal, learned counsel submits that Plaintiffs are not entitled to ad interim injunction for multiple reasons and Defendant No. 4 be given time to file reply to the application to bring on record correct and complete facts as also the legal position pertaining to descriptive marks even though registered. It is urged that Plaintiffs have not disclosed a material fact that they have recently filed an application for registration of the mark 'INTO THE WILD' and this has a bearing on the present case since infringement is claimed on the dominant and essential part of Plaintiffs' registered mark 'WALK INTO THE WILD'. The argument is that no reliance can be placed on the dominant part of a composite/device mark to



assert infringement, unless the same is separately registered and to support this proposition, reliance is placed on the judgment in *M/s South India Beverages Pvt. Ltd. v. General Mills Marketing Inc. & Anr., 2014 SCC OnLine Del 1953*. It is further urged that the mark ‘WALK INTO THE WILD’ is no doubt registered but the words comprising the mark are descriptive and *albeit* Section 31 of the Trade Marks Act, 1999 recognises registration to be *prima facie* evidence of validity of the mark, it is open to the Court to test the validity even at the stage of considering grant of interlocutory relief and to substantiate this proposition, Mr. Saikrishna relies on the judgment in *Marico Limited v. Agro Tech Foods Limited, 2010 SCC OnLine Del 3806*. It is also asserted that where the marks of which infringement is claimed are descriptive in nature, even a small difference in the impugned mark will suffice as a defence to allege infringement.

25. The contentions raised by the Defendants shall be considered at the time of hearing of the application. Let reply be filed by the Defendants within one week from today.

26. Rejoinder, if any, be filed within a period of three days thereafter.

27. List before Court on 15.04.2026 for hearing.

JYOTI SINGH, J

MARCH 25, 2026/VP/YA