



2026:DHC:5101

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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CS(COMM) 294/2024, I.A. 7863/2024 I.A. 7864/2024 I.A. 7865/2024**
ASTRAL LTD Plaintiff

Through: Mr. Sachin Gupta, Advocate.

versus

M/S ASTRAL MARKETING SYNDICATE & ANR. Defendants

Through:

CORAM:
HON'BLE MR. JUSTICE ANISH DAYAL

ORDER
08.04.2024

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I.A.7863 /2024 (Exemption from pre-institution mediation)

1. Having regard to the facts of the present case and in light of the judgement of Division Bench of this Court in **Chandra Kishore Chaurasia v. R.A. Perfumery Works Private Ltd.**, FAO (COMM) 128/2021, exemption from attempting pre institution mediation is allowed. Accordingly, the application stands disposed of.

I.A. 7864/2024 (Exemption from filing clearer copies with exact margins etc).

1. Exemption is granted, subject to all just exceptions.
2. Applicant shall file legible, clear, and original copies of the documents on which the applicant may seek to place reliance before the next date of hearing.
3. Accordingly, the present application is disposed of.



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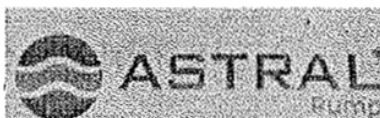
CS(COMM) 294/2024

1. Let the plaint be registered as a suit.
2. Upon filing of process fee, issue summons to the defendants by all permissible modes. Summons shall state that the written statements be filed by the defendants within 30 days from the date of receipt of summons. Along with the written statements, the defendants shall also file affidavit of admission/denial of the documents of the plaintiff, without which the written statement shall not be taken on record. Liberty is given to the plaintiff to file a replication within 30 days of the receipt of the written statement. Along with the replication, if any, filed by the plaintiff, affidavit of admission/denial of documents filed by the defendants, be filed by the plaintiff, without which the replication shall not be taken on record. If any of the parties wish to seek inspection of any documents, the same shall be sought and given within the timelines.
3. List before the Joint Registrar for marking of exhibits on 10th July, 2024.
4. It is made clear that any party unjustifiably denying documents would be liable to be burdened with costs.

I.A. 7865 /2024 (Under Order XXXIX Rules 1& 2, CPC).

1. This application has been filed under Order XXXIX Rules 1 & 2 of Code of Civil Procedure, 1908 (“CPC”) as part of the accompanying suit filed by plaintiff seeking permanent injunction against the defendant and all others acting on their behalf restraining them from manufacturing, selling, promoting or dealing with in any manner pumps, motors, or any other products containing

the marks ‘ASTRAL’/



or any other label/mark/



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trade name which is identical or deceptively similar to the plaintiff's registered

trade mark 'ASTRAL' /  **ASTRAL**, thereby amounting to infringement or passing off of the same.

2. It is noted that the defendants' mark was granted registration for the impugned mark 'ASTRAL' bearing no. 1149547 in class 7 on 10th August, 2005; user claimed since 10th January 1999 and application filed on 31st October 2002.

3. Plaintiff has registration in various 'ASTRAL' marks, earliest of them

being  **ASTRAL-CPVC** bearing no. 1106203 granted on 20th June, 2005 in class 17 with user claimed since 19th April 2002; application was filed on 22nd May, 2002.

4. Issue notice.

5. Counsel for defendants appears on advance notice and seeks time to file reply. Reply be filed within four weeks with advance copy to counsel for plaintiff, who may file rejoinder thereto, if any, before the next date of hearing.

6. Counsel for defendants states that plaintiff had applied for a device mark 'ASTRAL' on 25th April 2001 in class 17 claiming user since 26th March 1999 and that the said user detail is two months after the defendant's claimed user on 10th January 1999. These facts be stated as part of their response.

7. List before the Court on 06th August, 2024.

8. Order be uploaded on the website of this Court.

ANISH DAYAL, J

APRIL 8, 2024/RK/sc