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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ CS(COMM) 412/2023 with I.A. 1213/2024, I.A. 40870/2024 and I.A. 4996/2025

CASTROL LIMITEDPlaintiff
Through: Mr. Urfee Roomi, Ms. Janaki Arun,
Mr. Ritesh Kumar and Mr. Arpit
Singhal, Advocates.

versus

RAJASEKHAR REDDY BYREDDY, TRADING AS SRI
KARTHIKEYA TRADERSDefendant
Through: Mr. V. Sreedhar Reddy and Mr. S.P.
Kashyap, Advocates.
Mr. B. Rajasekhar Reddy, Defendant
present through VC.

CORAM:
HON'BLE MR. JUSTICE AMIT BANSAL

% **ORDER**
03.04.2025

1. Pursuant to the order passed by this Court on 25th February, 2025, Mr. B. Rajasekhar Reddy is present through video conferencing.
2. The affidavit as directed by the aforesaid order has been filed belatedly, hence, the same is not on record.
 - 2.1. The delay in filing is condoned and the affidavit is permitted to be taken on record.
3. A copy of the affidavit, as served on the counsel for the plaintiff, has been shown to me. Even though it has been averred in the affidavit that the



defendant is not using any trademark which infringes the marks of the plaintiff and not using any bottle shapes or packaging that are similar to the plaintiff's products, a perusal of the photographs filed with the affidavit seems to suggest otherwise.

4. The similarities between the products of the plaintiff and the defendant are noted below:-

- i. The word 'CRYSTAL' has been used in a similar manner in which the plaintiff uses the word 'CASTROL'.
- ii. The word 'ACTION' has been used in a similar manner as the plaintiff uses the word 'ACTIV'.
- iii. The packaging of the bottle used by the defendant is similar to the packaging used by the plaintiff.
- iv. The bottle shapes are identical to the shape used by the plaintiff. 'ATIVA' is written in the similar style as the plaintiff writes 'ACTIV'.
- v. The mark occurring on the packaging on page no.4 of the affidavit is also similar to the mark used by the plaintiff.

5. Clearly, the use of such marks, packaging and bottle shapes is in violation of the interim injunction orders passed by this court on 3rd June, 2023 and 8th February, 2024.

6. Mr. V. Sreedhar Reddy, counsel appearing on behalf of the defendant submits that the defendant shall ensure that the use of all the aforesaid marks, packaging and bottle shapes used thereon are rectified within four weeks from today.

7. A fresh affidavit shall be filed on behalf of the defendant stating that they have discontinued the use of all the infringing marks, packaging and



bottle shapes, photographs of which are filed with the present affidavit.

8. Along with the affidavit, the defendant shall file photographs of the new packaging, marks and bottle shape proposed to be used by the defendant.

9. The aforesaid affidavit shall be filed within eight (8) weeks from today.

10. The defendant, Mr. B. Rajshekhar Reddy, shall appear through video conferencing on the next date of hearing.

11. List on 18th August, 2025.

AMIT BANSAL, J

APRIL 3, 2025

Vivek/-