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

+ CS(COMM) 313/2021 & I.A. 7928/2021, I.A. 7929/2021, I.A. 13310/2021, I.A. 13311/2021, I.A. 17806/2023

MAHESH EDIBLE OIL INDUSTRIES LIMITEDPlaintiff

Through: Mr. Rohit Sharma, Mr. Jatin Lalwani,
Mr. Nikhil Purohit & Mr. Jay Rawat,
Advocates

versus

MAHESH EDIBLE OILS PRODUCTS PRIVATE LIMITED

.....Defendant

Through: Ms. Monika Arora and Mr.
Subhrodeep Saha, Advocates.

21

+ CS(OS) 272/2020 & I.A. 8374/2020, I.A. 18916/2023

BRAJ MOHAN RATHOREPlaintiff

Through: Ms. Monika Arora and Mr.
Subhrodeep Saha, Advocates

versus

RAJEEV K GOEL & ORS.

.....Defendant

Through: Mr. Rohit Sharma, Mr. Jatin Lalwani,
Mr. Nikhil Purohit & Mr. Jay Rawat,
Advocates

22

+ CS(COMM) 456/2022 & I.A. 10259/2022, I.A. 6644/2023

BRAJ MOHAN RATHOREPlaintiff

Through: Ms. Monika Arora and Mr.
Subhrodeep Saha, Advocates



versus

MAHESH EDIBLE OIL INDUSTRIES LTD. & ORS.

.....Defendants

Through: Mr. Rohit Sharma, Mr. Jatin Lalwani,
Mr. Nikhil Purohit & Mr. Jay Rawat,
Advocates

CORAM:

HON'BLE MS. JUSTICE MINI PUSHKARNA

ORDER

29.08.2024

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1. Learned counsel appearing for the plaintiff in *CS(COMM) 313/2021*, *inter alia*, submits that if the defendant changes the trade dress, they would have no objection to the defendant carrying on the business under the mark, 'SAAVLI'.
2. This Court notes that in Para 49 of the plaint, a table has been given which shows the side by side images of the packaging/trade dress of the plaintiff, as well as the defendant.
3. Accordingly, let instructions be taken by the defendant in that regard.
4. Learned counsel appearing for the plaintiff in *CS(COMM) 456/2022*, submits that the flagship mark of the company, is 'SALONI'. She submits that the defendants are using another mark by the name 'SONALI', which is deceptively similar to the mark of the company 'SALONI'.
5. The defendants in *CS(COMM) 456/2022*, are directed to take instructions with respect to change of their mark from 'SONALI' to some other mark, which is not similar or deceptively similar to the mark 'SALONI'.



6. Ms. Monika Arora, learned counsel appearing for the defendant in *CS(COMM) 313/2021* and for the plaintiff in *CS(OS) 272/2020 & CS(COMM) 456/2022*, submits that the mark 'SALONI' belongs to the company- Mahesh Edible Oil Industries Ltd., in which all the four brothers have equal share.

7. The aforesaid statement is recorded.

8. Learned counsel appearing for the plaintiff in *CS(COMM) 313/2021* and for the defendants in *CS(OS) 272/2020 & CS(COMM) 456/2022*, does not dispute the aforesaid fact that the mark 'SALONI' is owned by the company, i.e., Mahesh Edible Oil Industries Ltd., and that all the four brothers have equal shares in the said company.

9. After hearing the parties, it transpires that both the parties are *ad idem* that the trademark 'SALONI' belongs to the company, and that all the brothers have equal shares in the company, i.e., *Mahesh Edible Oil Industries Ltd.* Thus, this court is of the view that the matter can be resolved in the following terms:

I. The trademark 'SALONI' will continue to belong to the company, i.e., *Mahesh Edible Oil Industries Ltd.*

II. The trademark 'SALONI' shall not be claimed by any of the four brothers, individually.

III. All the four brothers have equal share in the profit share of the company, i.e., *Mahesh Edible Oil Industries Ltd.*

IV. All the four brothers/their families, are free to carry on their respective business in mustard oil or any other product. However, the trademark or the trade dress adopted by the brothers for their individual respective businesses, shall not be deceptively similar to the trademark



‘SALONI’ or the trade dress/package of ‘SALONI’.

10. Both the parties are directed to file their proposals before the next date of hearing, as to how the matter can be resolved, between the parties.

11. Re-notify on 23rd October, 2024.

MINI PUSHKARNA, J

AUGUST 29, 2024

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