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

+ **CS(COMM) 440/2025**

MONTBLANC-SIMPLO GMBH

.....Plaintiff

Through: Mr. Pravin Anand, Mr. Manish
Biala and Mr. Devesh Ratan, Advs.

versus

MS. JASMIN CHANDRAKANT VORA & ORS.Defendants

Through: Ms. Nabanita De, Advocate (Enrol.
no. WB/2235/2010, Mob.:
+917003086907), Mr. Pawan
Kumar Maheshwari, Advocate
(Enrol. no. WB/114/2002, Mob.:
+919903388599)

CORAM:

HON'BLE MR. JUSTICE SAURABH BANERJEE

ORDER

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08.05.2025

I.A. 11695/2025-Exp from pre-litigation mediation

1. *Vide* the present application under *Section 12A* of the Commercial Courts Act, 2015, the plaintiff seeks exemption from pre-litigation mediation.

2. Considering the factual matrix involved, especially since the parties are referred to pre-litigation mediation before the Delhi High Court Medication and Conciliation Centre, Delhi High Court (**DHCMCC**), the present application is disposed of.

CS(COMM) 440/2025, I.A. 11692/2025-Stay, I.A. 11693/2025-Addl.doc., I.A. 11694/2025-Exp

3. The plaintiff herein seeks the following reliefs:

“i. A decree of permanent injunction restraining the Defendants,

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and all persons acting for or on their behalf, from using the Plaintiff's

trademarks  /  /

 / , the Three Ring

Device , the Star Device  / , or any other mark identical or deceptively similar thereto, in any manner whatsoever, including on any products or website, amounting to infringement of Plaintiffs registered trademarks under the trade mark application nos. 617848, 2435523, 5684622, 168115, 174027, 228166, 605696, 617843, 845371, 3760195, 713597, 605697, 749405, 174504, 617849 and 2480325;

ii. A decree of permanent injunction restraining the Defendants, and all persons acting for or on their behalf, from using the Plaintiff's

trademarks  /  /

 / ,

, the Three Ring Device

, the Star Device  / , or any other mark identical or deceptively similar thereto, in any manner whatsoever, including on any products or website, amounting to passing off the impugned products of the Defendants as those of the Plaintiff;

iii. A decree for rendition of accounts of profits illegally earned by the Defendants, on account of unlawful use of the Plaintiff's

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trademarks

MONTBLANC /  /

 /  , the Three Ring Device

 , the Star Device  /  , o. any other mark identical or deceptively similar thereto, and a decree for the amount so found be passed in favour of the Plaintiff;

iv. A decree for delivery up of all goods of the said Defendants, bearing the Plaintiff's trademarks trademarks

MONTBLANC /  /

 /  , the Three Ring

Device  , the Star Device  /  , or any other mark identical or deceptively similar thereto, to the authorized representatives of the Plaintiff for the purposes of destruction, at the cost of the Defendants;

v. A decree for damages of Rs. 2,00,01,000/- in favour of the Plaintiff, and against the Defendant Nos. 1, 2, 3 and 4, jointly and severally;

vi. A decree declaring the Plaintiff s trademarks

MONTBLANC /  /

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**MONT
BLANC** 

MONTBLANC

, Three Ring Device



, the Star Device



as well-known

trademarks under Section 2(l)(zg) of the Trade Marks Act, 1999;

vii. An order for the costs of the present proceedings; and/or Any further orders as this Hon'ble Court may deem fit and proper in the facts and circumstances of the case may also be passed in favour of the Plaintiff and against the Defendants."

4. On the first call, since Ms. Nabanita De, learned counsel appearing for the defendants through video conferencing, was granted time for seeking appropriate instructions, the matter was passed over.

5. On the second call, learned counsel for the defendants appearing through video conferencing on instructions from them submits that none the defendants have any intentions of using or infringing any of the

MONTBLANC/  **/**  **/** **MONTBLANC/**   or any other related trademarks (word marks or device marks) of the plaintiff as involved in the present proceedings, as also that the defendants have already commenced taking appropriate measures for withdrawing their products from all the third party e-commerce websites namely www.amazon.in, www.tatacliq.com, www.nykaa.com and www.jiomart.com and from their own website www.peorajewellery.com, and the same shall be completed within a period of one week.

6. Learned counsel for the defendants further submits that since the

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defendants do not intend to in manner deal with/ use/ offer for sale/ sell/ infringe any of the registered trademarks of the plaintiff, they will retain the infringing products bearing any of the trademarks of the plaintiff involved in the present proceedings in their power and possession till the next date of hearing. She seeks, and is granted, a period of one week for filing an affidavit of undertaking in the form of an in compliance of the aforesaid.

7. Learned counsel for the plaintiff submits that he has no objection to the aforesaid and will await the outcome thereof.

8. At this stage, learned counsel for the defendants also submits that since the defendants are based in Mumbai and she is based in Kolkata, she has not received a copy of the complete paper-book yet. Learned counsel for the plaintiff submits the learned counsel for the defendants shall be supplied a copy thereof during the course of the day.

9. List before the Court on 23.07.2025.

10. In the meanwhile, as requested the parties are referred to pre-litigation mediation before the Delhi High Court Mediation and Conciliation Centre (**DHCMCC**) on 28.05.2025, wherein the parties and/ or their representatives/ counsel shall be allowed to join/ appear either physically or through video conferencing.

11. Needless to say, the parties are to proceed in accordance with the procedure laid down for pre-litigation mediation.

SAURABH BANERJEE, J

MAY 8, 2025/So

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