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

+ CS(COMM) 487/2025 with I.A. 12520-12525/2025

TWINKLE COLLECTION THROUGH
ITS PROPRIETOR CHANPREET SINGHPlaintiff

Through: Mr. Dhruv Mahtta and Mr. Nishant
Mahtta, Advocates.

versus

TPR COLLECTION THROUGH
ITS PROPRIETOR MOHAMMAD
TABREJ ALAM & ORS.Defendants

Through:

CORAM:
HON'BLE MR. JUSTICE AMIT BANSAL

ORDER
16.05.2025

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I.A. 12522/2025 (u/s 12A of Commercial Courts Act, 2015)

1. As the present suit contemplates urgent interim relief, in light of the judgment of the Supreme Court in *Yamini Manohar v. T.K.D. Krithi*, 2023 SCC Online SC 1382, exemption from the requirement of pre-institution mediation is granted.

2. The application stands disposed of.

I.A. 12523/2025 (u/O-XI Rule 1(4) of the CPC)

3. The present application has been filed on behalf of the plaintiff seeking leave to file additional documents under the Commercial Courts Act, 2015.

4. The plaintiff is permitted to file additional documents in accordance



with the provisions of the Commercial Courts Act, 2015 and the Delhi High Court (Original Side) Rules, 2018.

5. Accordingly, the application is disposed of.

I.A. 12524/2025 (seeking exemption from filing originals, clear/ translated/ true typed copies of documents, etc.)

6. Allowed, the plaintiff is exempted from filing clear/ true typed/ translated copies of documents and documents with proper margin within four (4) weeks.

7. The plaintiff is exempted from filing the originals at this stage.

8. The application stands disposed of.

I.A. 12525/2025 (seeking exemption from effecting advance service upon the defendants)

9. The plaintiff seeks urgent interim relief against infringing products and for this purpose, an *ex-parte* appointment of Local Commissioner is also sought to confiscate the infringing products. It is submitted that there is a probability that the defendants may remove the infringing products if the defendants are given advance service of the plaint paperbook.

10. Therefore, in the peculiar facts and circumstances of this case, exemption from effecting advance service upon the defendants is granted.

11. The application is disposed of.

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12. Let the plaint be registered as a suit.

13. Issue summons.

14. Summons be issued to the defendants through all permissible modes. The summons shall state that the written statement(s) shall be filed by the defendants within thirty (30) days from the date of the receipt of summons. Along with the written statement(s), the defendants shall also file affidavit(s)



of admission/ denial of the documents of the plaintiff, without which the written statement(s) shall not be taken on record.

15. Liberty is given to the plaintiff to file replication(s), if any, within thirty (30) days from the receipt of the written statement(s). Along with the replications filed by the plaintiff, affidavit(s) of admission/ denial of the documents of the defendants be filed by the plaintiff.

16. The parties shall file all original documents in support of their respective claims along with their respective pleadings. In case the parties are placing reliance on a document, which is not in their power and possession, its detail and source shall be mentioned in the list of reliance, which shall also be filed with the pleadings.

17. If any of the parties wish to seek inspection of any documents, the same shall be sought and given within the timelines.

18. List before the Joint Registrar on 5th August, 2025 for completion of service and pleadings.

19. List before the Court on 14th October, 2025.

I.A. 12520/2025 (u/O-XXXIX Rules 1 & 2 of the CPC)

20. The present suit has been filed seeking permanent injunction restraining the defendants from infringement of trade mark and/ or passing off, along with other ancillary reliefs.

21. It is stated that the plaintiff is engaged in the business of manufacturing, marking and selling of hosiery and readymade garments under the mark WATCHLER.

22. Counsel for the plaintiff submits that in the year 2010, one Mr. Ashok Kumar Jain, proprietor of Jain Textiles, adopted and commenced use of the mark WATCHLER in respect of hosiery and readymade garments and filed



an application on 30th July, 2013 for registration of the mark WATCHLER in class 25 claiming use since the year 2010. The said application proceeded for registration on 10th March, 2016. Subsequently, by way of an assignment deed dated 1st August, 2017, Mr. Ashok Kumar Jain assigned all rights, title and interest in the mark WATCHLER along with the associated goodwill in favour of the plaintiff.

23. The plaintiff obtained registration for the mark WATCHLER in class 35 with effect from 3rd May, 2019 and with a user claim since the year 2010.



24. The plaintiff has also adopted the device mark  in the year 2017 and has been using the same since then. In the said device mark, the



insignia represents the letter 'W' of the plaintiff's mark WATCHLER.

25. The plaintiff has given its year-wise sales figures for the financial years 2019-20 to 2023-24 in paragraph no.8 of the plaint. Pertinently, the plaintiff's sales figures in the financial year 2023-24 amounted to a total of Rs. 56,97,37,347/-.

26. The plaintiff has been continuously using the mark WATCHLER and advertising its products thereunder. The plaintiff's marks WATCHLER,



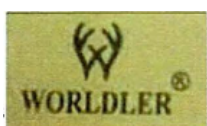
and are prominently displayed on its products, packaging material, catalogues, banners and other advertisement and promotional materials. The plaintiff has incurred substantial expenses towards branding, marketing and other promotional activities.



27. The plaintiff has actively participated in trade exhibitions for the promotion of its goods including those organized at Hotel Radisson Blu, Ludhiana in the years 2024 and 2025.

28. The plaintiff also maintains a prominent online presence through its profiles on social media platforms such as Facebook and Instagram wherein the plaintiff's products under the mark WATCHLER are frequently advertised.

29. It is submitted that in the second week of April 2025, the plaintiff came to know that the defendant no.4, an entity operated and controlled by the defendant no.5, is using the mark WORLDLER, the device



and the insignia



, which are identical/

deceptively similar to the plaintiff's mark/ device/ insignia.

30. The plaintiff procured the impugned products for which an invoice dated 11th April, 2025 was issued by the defendant no.3 and the name of the defendant no.2 was also mentioned in the said invoice.

31. Upon investigation, the plaintiff further discovered that the defendant no.2 had previously visited the plaintiff's premises under the pretext of procuring a manufacturing contract for its goods. However, no agreement was reached between the plaintiff and the defendant no.2.

32. The plaintiff also discovered that a trade mark application dated 6th March, 2025 for the mark WORLDLER in Class 25 has been filed by the defendant no.1 with defendant no. 2 as its proprietor and the said application is currently pending.

33. A comparison of the products and labels of the plaintiff and the



defendants is set out below:

	PLAINTIFF'S PRODUCTS	DEFENDANTS' PRODUCT
Device		
Neck label		
Collar tape		
Label tag (front)		
Label tag (black)		



Button tag		
Cuff branding		
Cuff branding II		
Locker loop branding		

34. A perusal of the table above would show that the defendants have blatantly copied the plaintiff's trade marks as well as its labels, tags and branding style in relation to their products which are identical with those of the plaintiff.

35. Based on the averments made in the plaint, the plaintiff has established its statutory and/ or common law rights over the marks



WATCHLER,  and .

36. In view of the above, a *prima facie* case of infringement and/ or passing off is made out on behalf of the plaintiff in its favour. Clearly, an attempt has been made by the defendants to create an impression that the impugned products being sold by the defendants are associated with the plaintiff.

37. Balance of convenience is in favour of the plaintiff and against the defendants. Irreparable loss, harm and injury would be caused to the plaintiff if the defendants continue to sell the impugned products under the impugned marks. Prejudice would also be caused to the public as the impugned marks of the defendants are identical/ deceptively similar to the plaintiff's marks and are likely to cause confusion in the market.

38. Consequently, till the next date of hearing, the defendants, their proprietor, partners, directors, legal heirs, affiliates, associates, sister concerns, dealers, distributors through themselves and through servants, agents, assigns and representatives and all others acting for and on their behalf are restrained from manufacturing, selling, exporting, offering for sale, advertising directly and indirectly dealing in impugned products bearing the marks WORLDLER/ WATCHLER, including label



, insignia  / , artistic work, get up, trade dress or any other mark identical with or deceptively similar to the plaintiff's registered trade mark WATCHLER along with its associated



label, insignia, artistic work, get up and trade dress.

39. Issue Notice.

40. Notice be issued to the defendants through all permissible modes, including email.

41. Reply(ies) be filed within four (4) weeks.

42. Rejoinder(s) thereto, if any, be filed within two (2) weeks thereafter.

43. In view of the fact that the plaintiff has sought appointment of Local Commissioners to seize the infringing products, the very purpose of grant of *ex-parte ad interim* injunction would be defeated if the defendants are given notices contemplated in Order XXXIX Rule 3 of Code of Civil Procedure, 1908 (hereinafter 'CPC') prior to the execution of the commission. Hence, it is directed that the plaintiff shall serve notices under Order XXXIX Rule 3 of CPC at the time of execution of the commission which shall not be later than two (2) weeks from today. The affidavit in terms of Order XXXIX Rule 3 of the CPC shall be filed by the plaintiffs within (1) week thereafter.

44. List before the Joint Registrar on 5th August, 2025 for completion of service and pleadings.

45. List before the Court on 14th October, 2025.

I.A. 12521/2025 (O-XXVI R-9 of CPC)

46. The present application has been filed under Order XXVI Rule 9 of the CPC seeking appointment of two Local Commissioners to visit and inspect the premises of the defendants no. 1, 3 and 4, make an inventory of all products, labels, packaging/ promotional material, etc. bearing the impugned marks (hereinafter 'infringing material') and effect seizure of the same.

47. In view of what is stated above, the plaintiff has made out a case for



appointment of two Local Commissioners.

48. Accordingly, Ms. Yangtsapila Sangtam, Advocate (Mobile No. +91 8447522880) is appointed as Local Commissioner to visit the premises of the defendant no.1 situated at:

Gali No. 3 and 4,
6292, LGF, BLOCK-6B,
DEV NAGAR, KAROL BAGH,
Central Delhi, Delhi, 110005.

49. Ms. Asma, Advocate (Mobile No. +91 9213171544) is appointed as Local Commissioner to visit the premises of the defendants no.3 and 4 respectively situated at:

6292, BLOCK NO.6 GALI NO.3,
SALUJA GALI, DEV NAGAR,
KAROL BAGH, NEW DELHI-110005.

and

BUILDING NO-6303, BASEMENT,
GALI NO-3, BLOCK NO-6 SALUJA GALI,
DEV NAGAR, KAROL BAGH,
NEW DELHI-I 10005.

50. The following directions are passed in this regard:

- a. The Local Commissioners, along with a representative of the plaintiff and its counsel, shall be permitted to enter upon the premises of the defendants mentioned above or any other location/ premises that may be identified during the course of commission, in order to conduct the search and seizure.
- b. The Local Commissioners shall conduct a search at the aforesaid defendants' premises and seize the infringing material.
- c. The Local Commissioners shall make an inventory of all the



infringing material.

- d. After seizing the infringing material, the same shall be sealed and signed by the Local Commissioners, in the presence of the parties, and released on *superdari* to the respective defendants on their undertaking to produce the same as and when further directions are issued in this regard.
- e. The Local Commissioners shall also be permitted to make copies of the books of accounts including ledgers, cash registers, stock registers, invoices, books, etc. insofar as they pertain to the infringing material.
- f. The defendants and their representatives are directed to provide full assistance to the Local Commissioners for executing the present commission.
- g. In case the aforesaid premises of the defendants or any part thereof are found locked, the Local Commissioners are permitted to break open the locks and doors for execution of the commission.
- h. To ensure an unhindered and effective resolution of this order, the SHO of the local police station having jurisdiction of the aforesaid premises and the DCP concerned are directed to render the necessary protection and assistance to the local commissioners, if and when sought.
- i. The Local Commissioners shall have the liberty to take photographs and/ or videos of the stock seized and to take a sample of the infringing products to be filed along with the Report.

51. The Local Commissioners shall file their Reports within two (2) weeks of executing the commission, along with photographs/ videos taken



and photocopies of the books of account and stock and the inventory procured pursuant thereto.

52. The fees of the Local Commissioner, to be borne by the plaintiff, is fixed at Rs.1,00,000/- each. The plaintiff shall also bear expenses for travel and lodging of the Local Commissioner and other miscellaneous out-of-pocket expenses for the execution of the commission.

53. The application stands disposed of in the above terms.

54. The order passed today shall not be uploaded for a period of two (2) weeks from today.

55. *Dasti.*

AMIT BANSAL, J

MAY 16, 2025

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