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

+ CS(COMM) 612/2025 & I.A. 14673/2025, I.A. 14674/2025
I.A. 14675/2025, I.A. 14676/2025, I.A. 14677/2025

MITTAL ELECTRONRCS

.....Plaintiff

Through: Mr. Manish Biala and Mr. Devesh
Ratan, Advocates.

versus

SHASHI KANT GARG & ORS.

.....Defendants

Through: None.

CORAM:

HON'BLE MR. JUSTICE SAURABH BANERJEE

ORDER

30.05.2025

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I.A. 14675/2025 (*Exemption from pre-institution mediation*)

1. *Vide* the present application under *Section 12A* of the Commercial Courts Act, 2015, read with *Section 151* of the Code of Civil Procedure, 1908 (**CPC**), the plaintiff seeks exemption from pre-litigation mediation.
2. Considering the averments made in the present application, as also since the plaintiff are seeking an *ad interim* injunction in an accompanying application and also in view of the judgment passed by the Hon'ble Supreme Court in **Yamini Manohar v. T.K.D. Krithi** 2024 (5) SCC 815, which has been followed by a Division Bench of this Court in **Chandra Kishore Chaurasia v. R. A. Perfumery Works Private Limited** 2022:DHC:4454-DB, the plaintiff is exempted from instituting pre-litigation mediation.



3. Accordingly, the present application is allowed and disposed of.

I.A. 14676-77/2025 (Exemption)

4. Exemption is allowed, subject to all just exceptions.

5. The applications stand disposed of.

I.A. 14674/2025 (for additional documents)

6. *Vide* the present application under *Order XI Rule 1(4)* read with *Section 151* of the CPC, the plaintiff seeks leave of this Court to file additional documents.

7. The plaintiff will be at liberty to file additional documents at a later stage, *albeit*, after initiating appropriate steps, strictly as per the provisions of the Commercial Courts Act, 2015 read with *Section 151* of the CPC and the Delhi High Court (Original Side) Rules, 2018.

8. Accordingly, the present application stands disposed of.

CS(COMM) 612/2025

9. *Vide* the present plaint, the plaintiff seeks grant of a permanent injunction restraining infringement of trademarks, passing off, unfair trade practice and competition, damages, rendition of accounts, delivery up etc.

10. Let the plaint be registered as a suit.

11. Upon filing of the process fee, issue summons of the suit to the defendants through all permissible modes returnable before the learned Joint Registrar on 10.09.2025.

12. The summons shall state that the written statement (s) be filed by the defendants within a period of *thirty days* from the date of the receipt of the summons. Written statement(s) be filed by the defendants along with affidavit(s) of admission/ denial of documents of the plaintiff, without which the written statement(s) shall not be taken on record.



13. Replication thereto, if any, be filed by the plaintiff within a period of *fifteen days* from the date of receipt of written statement(s). The said replication, if any, shall be accompanied by with affidavit(s) of admission/ denial of documents filed by the defendants, without which the replication shall not be taken on record within the aforesaid period of *fifteen days*.

14. If any of the parties wish to seek inspection of any document(s), the same shall be sought and given within the requisite timelines.

15. List before the learned Joint Registrar for marking exhibits of documents on 10.09.2025. It is made clear that if any party unjustifiably denies any document(s), then such party would be liable to be burdened with costs.

I.A. 14673/2025 (*Stay*)

16. The plaintiff, by way of the present application, seeks an *ad-interim injunction* restraining the defendants from using the marks “*SUJATA*” or any other identical/ deceptively similar mark thereby violating plaintiff’s registered trademark “*SUJATA*”.

17. As per pleading, the plaintiff/ M/s Mittal Electronics is a partnership firm, having its registered office at D-18, SMA Co-op. Industrial Estate, G.T. Karnal Road, Delhi – 110033. The plaintiff, since its incorporation in the year 1979-80, has been engaged in manufacturing, marketing and sale of various electrical products and home appliances such as juicer, mixer, grinder, electric flat iron, heating, cooling, ventilating, and cooking appliances, etc. under the trade mark “*SUJATA*”.

18. The plaintiff adopted the mark “*SUJATA*” in the year 1980, and has been since using it continuously and extensively for its product. In fact, the plaintiff has applied for and obtained registrations for the mark



“SUJATA” under various class(es), the details of these registrations are set out in paragraph no.8 of the plaint. Moreover, the plaintiff has also obtained the copyright for **SUJATA**  and is the owner thereof.

19. In furtherance thereof, by virtue of extensive sales and promotion, the aforesaid mark of the plaintiff have acquired a formidable reputation nationally and the plaintiff have earned the huge profit therefrom.

20. The defendant no. 1 is the sole proprietor of the defendant no. 2 entity, which is responsible for the sale of impugned goods under the impugned mark “SUJATA”.

21. The defendant no. 3 is a partnership firm having defendant nos. 4 to 8 as its partners, and is responsible for manufacturing the goods under the impugned mark “SUJATA”.

22. The defendant no. 9 is a partnership firm having defendant nos. 4 and 7 as its partners. The defendant no. 4, trading as defendant no. 3 firm, has also got the trade mark “SUJATA” registered in his name and later, the said mark was assigned to defendant no. 9 firm.

23. In and around April 2025, the plaintiff came to know from its distributors and retailers in Delhi, that some entity has been distributing and selling cookers under the mark “SUJATA”. As the plaintiff does not deal in pressure cookers, it conducted enquiries in which it was revealed that the said cookers were being distributed in the market by defendant no.2. On further enquiry, it was found that defendant no. 2 is owned by defendant no.1, and the impugned goods were being manufactured by defendant no. 3, and their products were listed on www.indiamart.com and www.justdial.com.



24. It is further pleaded that during the drafting of the captioned suit, the plaintiff came to know that the defendant no.4 trading as defendant no. 3 had got the mark “SUJATA” registered under *Class 21* of the Trade Marks Act, 1999 for kitchen utensils and containers including pressure cookers, pans, non stick cook wears, crockery *vide* application no. 1151840 in his name and the said mark was later assigned to defendant no. 9. Moreover, since the defendants are still continuing with their unlawful acts, the plaintiff was constrained to institute the captioned suit wherein the present application has been filed.

25. This Court has heard the submissions advanced by the learned counsel for the plaintiff and have also gone through the pleadings as also perused the documents on record.

26. Based on what is before this Court, the defendants have adopted and commenced using the very same registered trademark “SUJATA” as that of the plaintiff. This, thus, makes it completely deceptively similar and identical to the plaintiff’s registered trademark “SUJATA”. Since the defendants have adopted the impugned mark for allied and cognate goods and are selling their product through the same trade channels as also are targeting the same set of customers and which also happen to be used in household kitchen, there is hardly any scope of the common layman not getting confused.

27. Interestingly, since the plaintiff is a long-standing name in its category and has been continuously using the trademark “SUJATA” since its adoption in 1980, the defendants’ choice to adopt an identical mark and that too in a category similar to the plaintiff, speaks volumes of the *malafide* intent of the defendant to ride upon the established goodwill and



reputation of the plaintiff. Moreover, as the defendants' products are marketed through the same trade channels as that of plaintiff's, there are sufficient reasons to believe that an average consumer with imperfect recollection, may mistakenly believe that the products sold under the infringing "SUJATA" mark originate from the plaintiff, which is clearly not the case.

28. Considering the aforesaid facts and circumstances, the plaintiff is thus *prima facie* entitled for protection as sought by it against the defendants since the *balance of convenience* lies in its favour and it will incur *irreparable loss and injury* if an *ex parte ad interim injunction* is not granted.

29. Accordingly, till the next date of hearing, the defendants and all others person acting for or on their behalf are restrained from using the mark "SUJATA" or dealing in any goods under the mark "SUJATA" or any other mark identical/ deceptively similar to that of the plaintiff's registered trademark "SUJATA" so as to not infringe the plaintiff's intellectual property rights in any manner whatsoever.

30. Upon the plaintiffs taking requisite steps, issue notice to defendants through all permissible modes returnable before the Court on 13.10.2025.

31. Reply(s), if any, be filed within *four weeks* from the date of service. Rejoinder(s) thereto, if any, be filed within *two weeks* thereafter.

32. List before Court 13.10.2025.

SAURABH BANERJEE, J

MAY 30, 2025/NA