



\$~SB-26

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

+ CS(COMM) 619/2025, I.A. 14741-46/2025

MONEYWISE FINVEST LIMITED

.....Plaintiff

Through: Mr. Neeraj Malhotra, Senior Advocate with Mr. Anil Kumar Sahu, Mr. Satish Kumar, Mr. Ambuj Kumar, Mr. Rajjit Kalsi, Mr. Abhilash, Mr. Kartik Kr. Agg and Mr. Syed N.A. Jah, Advocates

versus

KSN CREDENCE COMMODITIES TRADING PRIVATE LIMITED AND ANR.

.....Defendants

Through:

CORAM:

HON'BLE MR. JUSTICE TEJAS KARIA

ORDER

%

11.06.2025

I.A. 14742/2025 (exemption from filing original/certified copies of documents)

1. Allowed, subject to all just exceptions.
2. The application stands disposed of.

I.A. 14745/2025 (exemption from advance service to defendants)

3. Mr. Neeraj Malhotra, learned Senior Counsel for the Plaintiff submitted that there is a real and imminent likelihood that the Defendant No.1 may take immediate steps to dispose of, conceal or suppress its infringing business operations and digital footprints bearing the deceptively similar trademark.



4. In the facts and circumstances of this case, exemption from effecting advance service upon the Defendants as prayed for is granted.

5. The application is disposed of.

I.A. 14743/2025 (O-XI R-1(4) of the Commercial Courts Act, 2015)

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

7. 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.

8. Accordingly, the application is disposed of.

I.A. 14744/2025 (u/s 12A of the Commercial Courts Act, 2015)

9. As urgent interim relief is sought, 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.

10. The application stands disposed of.

I.A. 14746/2025 (u/s 149 of the Code of Civil Procedure, 1908)

11. The present application has been filed by the Plaintiff under Section 149 read with Section 151 of the Code of Civil Procedure, 1908 seeking exemption from payment of Court Fees at the time of filing of the Suit.

12. Considering the submissions made in the present application, time of two (2) weeks is granted to file the Court Fees.

13. The application stands disposed of.



CS(COMM) 619/2025

14. Let the plaint be registered as a suit.
15. Issue summons to the Defendants returnable on 25.09.2025 upon the Plaintiff filing process fees within a week.
16. Summons be issued to the Defendants through all modes. The summons shall state that the written statement(s) shall be filed by the Defendants within thirty days from the date of the receipt of summons. Along with the written statement(s), the Defendants shall also file an affidavit of admission/denial of the documents of the Plaintiff, without which the written statement(s) shall not be taken on record.
17. Liberty is given to the Plaintiff to file replications, if any, within thirty days from the receipt of the written statement(s). Along with the replications filed by the Plaintiff, an affidavit of admission/denial of the documents of the Defendants be filed by the Plaintiff.
18. 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 details and source shall be mentioned in the list of reliance, which shall also be filed with the pleadings.
19. If any of the parties wish to seek inspection of any documents, the same shall be sought and given within the timelines.
20. List before the Joint Registrar on 11.09.2025 for completion of service and pleadings.
21. List before the Roster Bench on 25.09.2025.



I.A. 14741/2025 (u/O-XXXIX R-1&2 of Civil Procedure Code, 1908)

22. The Plaintiff has filed the present Suit seeking relief of permanent permanent injunction restraining the Defendants from infringing and passing off of its trademark, along with other ancillary reliefs.

23. The brief facts are that the Plaintiff is engaged in the business of the providing service related to stock broking, mutual fund distribution, mortgage broking, financial lending, financial services, etc. under the trademark/label – ‘STOXKART’ (**‘Trademark’**) and its variants since 2018.

24. Defendant No. 1 is engaged in the business of insurance, financial affairs, stock brokerage, securities trading services, stock trading, monetary affairs and real estate. Defendant No. 1 had filed applications for registration of the trademark/label – ‘STOCKART’ (**‘Impugned Trademark’**) in Class-36 before the Trade Marks Registry, New Delhi and the Plaintiff filed its opposition against the said applications of the Defendant No. 1 as and when the Plaintiff became aware of the same.

25. Defendant No. 2, being the operator of the Google Play Store, is joined in order to restore the Plaintiff’s “STOXKART” application, which is listed on Google Play Store.

26. On Defendant No. 1’s complaint against the Plaintiff alleging infringement of its trademark, Defendant No. 2 delisted the Plaintiff’s Application on 03.06.2025. Further, Defendant No. 2 also permitted the listing of Defendant No.1’s Application under the Impugned Trademark.

27. Mr. Neeraj Malhotra, learned Senior Counsel for the Plaintiff submits that the Plaintiff had conceived and adopted the Trademark in relation to its financial services and the same is being used since the inception of the



Plaintiff's business in 2018. It is further submitted that the Plaintiff has acquired significant reputation and goodwill in the financial services sector and the Trademark is exclusively associated with Plaintiff's services.

28. It is submitted that the Plaintiff displays, solicits, advertises and sells its services under the Trademark and its variant through its own website www.stoxkart.com as well through other social media websites. It is further submitted that the Plaintiff's application under the Trademark is also listed on Google Play Store as well as Apple's App Store.

29. It is submitted that the Plaintiff's rights in the Trademark are protected under Section 34 of the Act, which grants priority to a prior user over a subsequent registrant. Therefore, learned Senior Counsel for the Plaintiff prayed that an *ex-parte ad-interim* injunction shall be granted in favour of the Plaintiff, restraining the Defendant No.1 from using the impugned Trademark.

30. The Plaintiff had to urgently approach this Court as Defendant No. 2 delisted the Plaintiff's application from Google Play Store on 03.06.2025. However, learned Senior Counsel for the Plaintiff states on instructions that the same has been restored pursuant to an appeal filed by the Plaintiff before Defendant No. 2 which was decided *vide* email dated 10.06.2025 from Defendant No. 2 allowing the appeal and reinstating the application of the Plaintiff on Google Play Store. Hence, there is no now urgency to grant any *ex-parte ad-interim* relief as prayed by the Plaintiff.

31. Issue notice to the Defendants through all permissible modes.

32. Let reply to be filed within four (4) weeks. Rejoinder thereto, if any, be filed before the next date of hearing.



33. List on 18.07.2025 before the Roster Bench for consideration of this Application.

**TEJAS KARIA, J
(VACATION JUDGE)**

JUNE 11, 2025

ns

Click here to check corrigendum, if any