



\$~41

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

+ **CS(COMM) 797/2025 & I.As. 18906-09/2025**

**IMPRESARIO ENTERTAINMENT AND HOSPITALITY PVT.
LTD.**Plaintiff

Through: Ms. Shikha Sachdeva, Ms. Kriti
Rathi and Ms. Annie Jacob,
Advocates

versus

**M/S. DVG SOCIALS BAR AND KITCHEN THROUGH ITS
PROPRIETOR**Defendant

Through: None

CORAM:

HON'BLE MS. JUSTICE MANMEET PRITAM SINGH ARORA

ORDER

% **05.08.2025**

**I.A. 18907/2025 (Under Order XI Rule 1(4) CPC seeking leave to file
additional documents)**

1. This is an application seeking leave to file additional documents under Order XI Rule 1(4) of the Code of Civil Procedure, 1908 ('CPC') [as amended by the Commercial Courts, Commercial Division and Commercial Appellate Division of High Courts Act, 2015 ('Commercial Courts Act')] within thirty (30) days.
2. The plaintiff, if it wishes to file additional documents within 30 days, shall do so strictly as per the provisions of the Commercial Courts Act and the Delhi High Court (Original Side) Rules, 2018 ('DHC Rules').
3. For the reasons stated in the application, the same is allowed.
4. Accordingly, the application is disposed of.



I.A. 18908/2025 (seeking exemption)

5. This is an application filed by the plaintiff seeking exemption from filing originals of the documents mentioned at paragraph 3 of the application, the copies of which have been filed with the suit.

6. The application for exemption is allowed, subject to the plaintiff granting inspection of the original of the documents filed, as and when required to do so, or filing the original documents at the stage of admission/denial.

7. Accordingly, the application stands disposed of.

I.A. 18909/2025 (seeking exemption from pre-institution mediation and settlement)

8. This is an application under Section 12A of the Commercial Courts Act, 2015 read with Section 151 CPC seeking exemption from instituting pre-litigation mediation.

9. Having regard to the facts that the present suit contemplates urgent interim relief and in light of the judgement of the Supreme Court in **Yamini Manohar v. T.K.D. Keerthi**¹, exemption from the requirement of pre-institution mediation is granted to the plaintiff.

10. Accordingly, the application stands disposed of.

CS(COMM) 797/2025

11. The present suit is filed by the plaintiff seeking permanent and mandatory injunction restraining infringement of their trademark and copyright, passing off, dilution, unfair competition, damages and delivery up.

12. Let the plaint be registered as a suit.



13. Summons be issued to the Defendant by all permissible modes on filing of process fee. Affidavit of service be filed within two (2) weeks.

14. The summons shall indicate that the written statement must be filed within thirty (30) days from the date of receipt of the summons. The Defendant shall also file affidavit of admission/denial of the documents filed by the Plaintiff, failing which the written statement shall not be taken on record.

15. The Plaintiff is at liberty to file replication thereto within thirty (30) days after filing of the written statement. The replication shall be accompanied by affidavit of admission/denial in respect of the documents filed by the Defendant, failing which the replication shall not be taken on record.

16. It is made clear that any unjustified denial of documents may lead to an order of costs against the concerned party.

17. Any party seeking inspection of documents may do so in accordance with the Delhi High Court (Original Side) Rules, 2018.

18. List the matter before the Joint Registrar (J) on **17.09.2025**.

19. List the matter before the Court on **19.12.2025**.

I.A. 18906/2025 (Under Order XXXIX Rule 1 and 2 CPC)

20. The present application has been filed by the plaintiff seeking ex-parte ad-interim injunction against the defendant.

21. Learned counsel for the plaintiff states that the plaintiff, since 2021, is engaged in providing restaurant services, including but not limited to conducting, managing and operating restaurants and coffee shops and providing expertise relating to the provision of food and drink.

¹ 2023 SCC OnLine SC 1382



21.1 She states that the plaintiff is running various restaurants and coffee shops including Smoke House Deli, Mocha Café and Bar, Bandra Born, Banng, Slink & Bardot, The Tasting Room, Prithvi Café and Social, and has also received various awards in respect of its popular 'SOCIAL' restaurants/bars for excellence in the hospitality industry.

21.2 She states that the plaintiff in the year 2011-2012, thought of a unique concept of blending the best of office and café by offering to the general public a collaborative workspace and a multi cuisine restaurant. The trademark 'SOCIAL' was adopted in respect of such cafes. She states that the first such SOCIAL restaurant/bar of the plaintiff was opened in the year 2014 in Bengaluru.

21.3 She states that plaintiff is the registered proprietor of the trademark 'SOCIAL' and its variants in classes 43, 42, 41, 35, 33, 32, 30, 25, 21, 16 and 09, the list of which is annexed as document 1 to the plaint. The Plaintiff has obtained registrations for the trademark 'SOCIAL' and its formative

marks like सोशल, , , , , , , etc., in Class 43, which are valid and subsisting in its name.

21.4 She states that the plaintiff's business model was to open multiple SOCIAL restaurants/bars in one city, for which they developed the unique concept of prefixing the trademark 'SOCIAL' with the name of the specific area in which each restaurant or bar would be located. She states that



plaintiff created these trademarks based on the area of the city where the SOCIAL establishment was opening, in order to inform the general public about the location of each café and to indicate which one would be nearest

for a visit, like

C.P SOCIAL

हौज खास
SOCIAL

HAZRATGANJ
SOCIAL

देहरादून
SOCIAL

VERSOVA
SOCIAL

antiSOCIAL goa, PARK STREET
SOCIAL

She states that at present, the Plaintiff has set up, is managing and operating fifty-four (54) SOCIAL restaurants/bars pan India.

21.5 She states that the plaintiff adopted a peculiar *stencil font* to represent the trademark 'SOCIAL' in the orange colour which is **SOCIAL**. She states that this trademark was adopted on 21.04.2014 in Class 42.

21.6 She states that the plaintiff also owns and operates an exclusive website at www.socialoffline.in. She states that additionally, plaintiff also advertises all its restaurants, including 'SOCIAL' restaurants/bars on its group and its corporate website <https://impresario.in>, and is also active on popular social media platforms like Facebook, Twitter, Instagram and YouTube, having substantial public engagement with large number of followers, as mentioned at paragraph 19 of the plaint.

She states that the plaintiff's restaurants are also listed on several third-party restaurant search engine guides such as Zomato, Swiggy, Dineout, Eazydiner etc.



21.7 She states that the revenue generated by the plaintiff for its business under the trademark ‘SOCIAL’ in the year 2023-2024 was Rs. 4,75,17,86,921 (i.e., Rs. 475.17 crores), as mentioned at paragraph 23 of the plaint. She states that the plaintiff also incurred expenses of Rs. 29,93,18,789 (i.e., Rs. 29.93 crores) towards promotion and advertisement of the trademark ‘SOCIAL’, as mentioned at paragraph 22 of the plaint.

21.8 She states that by virtue of such extensive sales and promotion, the trademark ‘SOCIAL’ has achieved wide fame and reputation pan India.

21.9 She states that in March 2023, the plaintiff got to know about the defendant operating a hotel as well as in-house cafés and restaurants under mark ‘SOCIALS DAVANAGERE/ DVG SOCIALS BAR & KITCHEN/



DVG SOCIALS RETREAT/ DVG SOCIALS/ (‘impugned mark’) in Davanagere, Karnataka and is providing food, accommodation and hospitality services therein.

21.10 She states that the defendant is using the plaintiff’s registered trademark ‘SOCIAL’ thereby infringing plaintiff’s trademark rights under the Trade Marks Act, 1999. She relies on a comparative chart of the trademark of plaintiff and the impugned mark of defendant, mentioned at paragraph 29 of the plaint, for showing the infringement of plaintiff’s trademark. The comparison is reproduced herein:

Plaintiff’s TradeMarks	Defendant’s Manner of Use
SOCIAL	DVG SOCIALS BAR & KITCHEN
	DVG SOCIALS RETREAT
	DVG SOCIALS
	SOCIALS DAVANAGERE



21.11 She states that the defendant owns and is operating a domain name www.dvgsocials.com dedicated to its business, which subsumes the plaintiff's registered trademark 'SOCIAL' in its entirety.

She states that the defendant is also advertising and/or promoting the impugned mark on third-party websites, which includes MakeMyTrip, Goibibo, Agoda, Yatra, TripAdvisor, Trip.com, Booking.com, Trivago, Adani One, Restaurant Guru, Easemytrip, Skyscanner, Traveloka, Hotels.com, Zomato, Google Maps, etc. throughout India, including Delhi.

21.12 She states that being aggrieved by the adoption and use of the impugned mark by the defendant, the plaintiff, through its counsel, issued a cease-and-desist notice dated 02.03.2023 to the defendant, inter alia, calling upon the defendant to cease and desist from using the plaintiff's trademark 'SOCIAL', however, no response was received by the plaintiff. She states that subsequently, the plaintiff sent several cease-and-desist notices to the defendant but did not receive any response.

She states that the plaintiff, simultaneously, filed takedown complaints with the third-party websites being MakeMyTrip, Goibibo, Justdial and Yatra on 09.05.2023, and follow-up takedown complaints on 06.06.2023, with MakeMyTrip, Goibibo and Justdial, inter alia, requesting them to take down the impugned mark from their websites, however no response was received from them and the mark continued to be visible on



the abovementioned third-party websites.

21.13 She states that the defendant has adopted the impugned mark to only deceive the general public into believing that the plaintiff has expanded its operations by opening a hotel/in-house café in Karnataka.

21.14 She states that the coordinate Benches have recognized the proprietary rights of the plaintiff in and to the trademark 'SOCIAL' and restrained numerous third parties from infringing the plaintiff's trademark 'SOCIAL'.

21.15 She states that the use of the impugned mark by the defendant is dishonest and might cause confusion and deception to the plaintiff's customers. She states that such infringing actions of defendant also damages the reputation and goodwill of the plaintiff's trademark 'SOCIAL'.

21.16 She states that to the knowledge of the plaintiff, defendant does not have any registration for its impugned mark.

21.17 She states that an advance service of the paper-book has been affected on the defendant as per Rules.

22. This Court has heard the learned counsel for the plaintiff and has also perused the record.

23. None appears on behalf of the defendant despite advance service.

24. Seemingly, the impugned mark adopted by the defendant is deceptively similar to that of plaintiff's registered trademark 'SOCIAL'. The word SOCIAL is a dominant feature of plaintiff's trademark and it is prominently visible in the impugned mark. Additionally, prefixing and/or suffixing the word SOCIAL with the geographical location, which is Davanagere in the present case, is identical to the plaintiff's concept and usage of its trademark 'SOCIAL' with the geographical location of its



restaurant for instance .

25. The plaintiff has placed on record order dated 17.12.2018 passed in C.S. (COMM) 1294/2018 titled as **Impresario Entertainment & Hospitality Pvt. Ltd. vs. Mehtab Sindhu**, wherein Hon'ble Mr. Justice Manmohan (as he then was), took a prima facie view that the trademark 'SOCIAL' is arbitrary and fanciful with regard to its use for restaurants.

26. The extensive turnover and the advertisement expenditure of the plaintiff associated with its restaurants run under the mark 'SOCIAL' show its extensive reputation and goodwill.

27. The plaintiff has a registered mark; it has issued and served several cease-and-desist notices to the defendant which have remained unanswered; the defendant has elected not to remain present despite advance service. In these facts, it prima facie appears that defendant is choosing to ignore the proprietary claim of the plaintiff in its registered mark and has no reasonable defence.

28. In view of the averments made in the application and the submissions made by the learned counsel for the plaintiff, the plaintiff has made out a prima facie case in their favour. Since the plaintiff has a registered trademark of 'SOCIAL', and is using it from past a decade, the balance of convenience lies in favor of the plaintiff for grant of an ex-parte ad-interim injunction against the defendant. Defendant's actions, if not restrained, might cause the plaintiff suffer irreparable harm, loss and injury not only to its monetary loss but also to the plaintiff's brand identity and misrepresentation of its services in the marketplace.



29. Accordingly, until the next date of hearing: -

a. The defendant, their partners, principals, proprietor, directors, officers, employees, agents, distributors, franchisees, suppliers, licensees, affiliates, subsidiaries representatives, group companies and assignees is/ are restrained from using, offering its services, marketing and advertising its business and/or allowing or permitting third parties to use, market and/or advertise the impugned mark 'SOCIAL' and/or any other trade mark or name identical and/or similar to the plaintiff's trademark 'SOCIAL' and its formatives either as a trademark, trade name, corporate name, domain name, social media handles or part thereof and/or in any other manner whatsoever to infringe/pass off the registered trademark of the plaintiff.

b. The defendant, their partners, principals, proprietor, directors, officers, employees, agents, distributors, franchisees, suppliers, licensees, affiliates, subsidiaries representatives, group companies and assignees is/are directed to recall all the products/merchandise/packaging and marketing, promotional and advertising materials that bear or incorporate the impugned mark 'SOCIALS DAVANAGERE/ DVG SOCIALS BAR & KITCHEN/ DVG SOCIALS RETREAT/ DVG SOCIALS/



, and/or 'SOCIAL' or any other mark identical and/or deceptively similar to the Plaintiffs registered trademark 'SOCIAL', which have been manufactured, distributed, offered for



sale or sold by it.

30. Issue notice to the defendant through all permissible modes, upon filing of process fees, returnable on the next date of hearing.
31. Let the reply to this application be filed within a period of four (4) weeks, from receipt of notice.
32. Rejoinder thereto, if any, be filed within a period of four (4) weeks thereafter.
33. Compliance of Order XXXIX Rule 3 of CPC be done within a period of two (2) weeks from today.
34. List the matter before the Joint Registrar (J) for completion of service and pleadings on **17.09.2025**.
35. List the matter before the Court on **19.12.2025**.
36. The digitally signed copy of this order, duly uploaded on the official website of the Delhi High Court, www.delhihighcourt.nic.in, shall be treated as a certified copy of the order for the purpose of ensuring compliance. No physical copy of order shall be insisted by any authority/entity or litigant.

MANMEET PRITAM SINGH ARORA, J

AUGUST 5, 2025/rhc/AM