



\$~34

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

+ **CS(COMM) 920/2024 & I.A. 42821-42825/2024**

WOW MOMO FOODS PRIVATE LIMITEDPlaintiff

Through: **Mr. Ankur Sangal, Advocate**

versus

WOW MOM FOODS & ANR.Defendants

Through: **Ms. Shraddha Saxena, Mr. Vijay
Prakash, Mr. A. Jaiswal and
Mr. Saurabh Trivedi, Advocates**

CORAM:

HON'BLE MR. JUSTICE AMIT BANSAL

ORDER

% **21.10.2024**

I.A. 42822/2024 (u/s 12A of Commercial Courts Act)

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. 42823/2024 (O-XI R-1(4) of the Commercial Courts Act)

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. 42824/2024 (u/s 149 of the CPC)

6. Mr. Ankur Sangal, counsel appearing on behalf of the plaintiff submits that the requisite court fees shall be paid within two weeks.

7. The statement of Mr. Ankur Sangal is taken on record.

8. The application is disposed of.

I.A. 42825/2024

9. Allowed, subject to the plaintiff filing legible copies of the annexures within four weeks from today.

10. The application stands disposed of.

CS(COMM) 920/2024

11. Let the plaint be registered as a suit.

12. Issue summons.

13. Summons are accepted by the counsel appearing on behalf of defendants who waive issuance of formal summons.

14. Let a complete set of paper book be supplied to the counsel for the defendant in the course of the day.

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

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



documents of the defendants be filed by the plaintiff.

17. The parties shall file all original documents in support of their respective claims along with their respective pleadings. In case 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.

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

19. List before the Joint Registrar on 09th January, 2025, for completion of pleadings.

I.A. 42821/2024 (O-XXXIX Rule 1 & 2 of CPC)

20. The present suit has been filed seeking permanent injunction restraining infringement of trade mark as well as passing off the goods as those of the plaintiff along with other ancillary reliefs.

21. Mr. Ankur Sangal, counsel appearing on behalf of the plaintiff submits that the plaintiff has been selling various food products since 2008 under the house mark “WOW!”. The plaintiff is using various other marks which are detailed in paragraph 8 of the plaint.

22. The plaintiff has various registrations in its favour in respect of the wordmark “WOW! MOMO” as well as other formative marks. The details of trade mark registrations of plaintiff is given in paragraph 11 of the plaint.

23. In the third week of October, 2024, the plaintiff came across the products of the defendants on various e-commerce platforms selling foods products under the impugned trade mark/trade name “WOW MOM”/ “WOW MOM FOODS”.

24. The plaintiff first came to know about the defendants in November,



2023 when the defendant no.2 filed the trade mark application for registration of the mark “WOW MOM FOODS”. The plaintiff had filed its opposition to the aforesaid mark. However, the plaintiff did not come across the products of the defendants being sold under the aforesaid marks.

25. Issue notice.

26. Notice is accepted by the counsel appearing on behalf of the defendants who appears on advance service.

27. Counsel appearing on behalf of the defendants seeks time to file a reply.

28. At her request, two weeks’ time is granted to defendants to file reply. Rejoinder, if any, be filed two days before the next date of hearing.

29. List before the Court on 22nd November, 2024.

AMIT BANSAL, J

OCTOBER 21, 2024
ds