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

+ **CS(COMM) 1218/2025 & I.A. 28215-28220/2025**

LIFESTYLE EQUITIES C.V. AND ANRPlaintiffs

Through: Mr. Mohit Goel, Mr. Sidhant Goel,
Mr. Abhishek Kotnala and Mr.
Kartikeya Tandon, Advs.

versus

**HARI SHANKAR BILWAL TRADING AS HARI WATCH AND
JEWELLERY COMPANY AND ORS.**Defendants

Through: None

CORAM:

HON'BLE MS. JUSTICE MANMEET PRITAM SINGH ARORA

ORDER

% **13.11.2025**

I.A. 28219/2025(seeking extension of time)

1. This application under Section 151 of the Code of Civil Procedure, 1908 ['CPC'], has been filed by the Plaintiffs seeking extension of time for filing clearer copies of dim documents.
2. The clearer copies of dim documents be filed within two (2) weeks.
3. Accordingly, the application stands disposed of.

I.A. 28216/2025 (seeking to file additional documents)

4. This is an application seeking leave to file additional documents under Order XI Rule 1(4) of the CPC within thirty (30) days.
5. The Plaintiffs, if they wish to file additional documents will file the same within thirty (30) days from today, and they shall do so strictly as per the provisions of the Commercial Courts Act and the Delhi High Court (Original Side) Rules, 2018 ('DHC Rules').



6. For the reasons stated in the application, the same is allowed.

7. Accordingly, the application is disposed of.

I.A. 28217/2025 (seeking exemption from pre-institution mediation)

8. This is an application under Section 12A of the Commercial Courts Act, 2015 read with Section 151 CPC, filed by the Plaintiffs 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 Plaintiffs.

10. Accordingly, the application stands disposed of.

I.A. 28218/2025

11. This is an application filed under Section 151 of the CPC seeking time for filing the required certificate under section 63(4)(c) of the Bharatiya Sakshya Adhiniyam, 2023.

12. For the reasons stated in the application, the application is allowed and the required certificate under section 63(4)(c) of the Bharatiya Sakshya Adhiniyam, 2023 be filed within four (4) weeks.

13. Accordingly, the application stands disposed of.

I.A. 28220/2025 (seeking extension of time to file the court fees)

14. This is an application filed under section 149 CPC seeking extension of time to file court fees.

15. Mr. Mohit Goel, learned counsel for the Plaintiffs submits that the court fees stand deposited. He states that the court fees certificate will be filed within one (1) week.



16. In view of the aforesaid submission, the time to deposit the Court Fees certificate is extended by one (1) week.

17. With the aforesaid directions, the application stands disposed of.

CS(COMM) 1218/2025

18. Let the plaint be registered as a suit.

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

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

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

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

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

24. List before the learned Joint Registrar (J) on **18.12.2025**.

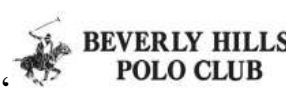
25. List before Court on **02.02.2026**.

I.A. 28215/2025 (application under Order XXXIX Rules 1 and 2)

¹ (2024) 5 SCC 815



26. The present application has been filed by the Plaintiffs seeking ex parte ad-interim injunction against the Defendants from infringing their

trademarks ‘  , ‘  , ‘  ,
‘  ’ and ‘  ’ (‘BHPC logo marks’).

27. Learned counsel for the Plaintiffs sets up the Plaintiffs’ case as under:

27.1. It is stated that the Plaintiffs are the registered proprietors and users of the BHPC Logo Mark, with its earliest registration in India dating back to the year 1992.

27.2. It is stated that there are 39 trademark registrations obtained by Plaintiff No. 1, including in class 43 as mentioned in paragraph 14 of the plaint. It is stated that the relevant class for the controversy in the suit is Class 43.

27.3. It is stated that the BHPC Logo Mark has been in use since 1982 globally. The earliest registration over the BHPC Logo Mark dates back to 30.01.1986, granted in the United Kingdom under TM No. 1259226. It is stated that Plaintiff No. 1 has more than 700 trademark registrations in more than 140 countries.



27.4. It is stated that the device  (‘Polo Player Device’) has been identified by the general public as the essential feature of the Plaintiffs’ BHPC Logo Mark as it is used on a standalone basis on the goods manufactured and sold by the Plaintiffs.



27.5. It is stated that the Plaintiffs commenced business in India under the BHPC Logo Mark in 2007, and have been selling apparel products which fall in Class 25, as well as other allied and cognate products, since that year.

27.6. It is stated that as of today, the Plaintiffs have been using the BHPC Logo Marks for about 18 years in India. It is stated that the Plaintiffs have licensees like Apparel Group India, which operate almost 46 outlets in India.

27.7. It is stated that the Plaintiffs have made sales of more than Rs. 190 Crores for its apparel products in India since F.Y. 2016 – 17, with the sales of Rs. 47.21 Crores in the F.Y. 2024-2025 as mentioned in paragraph 24 of the plaint.

Overview of the Defendants

27.8. Defendant No.1 is a sole proprietor who alleges to be engaged in the business of providing temporary accommodation, food, drink and lounge services, etc., falling in trade mark class 43 under which Plaintiff No. 1 is the prior registrant for the BHPC Logo mark vide TM No. 201654 since 31.08.2010.

27.9. Defendant No.2 is an individual who is the registrant for the domain name www.poloinnandsuites.com, which is the primary domain used by the Defendants to promote and conduct their commercial activities actively.

27.10. Defendant No.3 is an entity that is managing and operating a hotel and restaurant in Jaipur, Rajasthan, under the Infringing Marks.

27.11. Defendant No.1 has filed two trade mark applications for the Marks

i.e.  and , details of which are mentioned in paragraph 37 of the plaint. The status of TM No. 2934750 for the mark



stands abandoned, and TM No. 3328508 for the mark

has been opposed, and the Plaintiffs could not find any use of these marks upon investigation.

Overview of the Infringement:

27.12. It is the case of the Plaintiffs that in the first week of February 2025, the Plaintiffs learnt about the Defendants' infringing activities. It was observed that the Defendants are operating a hotel and restaurant under the name "Polo Inn and Suites" at the premises situated at C-24C, Bhagwan Das Road, C Scheme, Ashok Nagar, Jaipur, Rajasthan – 302001, wherein the

infringing mark , ,  are being prominently displayed **to the extent it includes the Polo Player Device**.

27.13. The Defendants are further promoting and offering their services under the said infringing marks through their official website as well as through various third-party online platforms, as mentioned in paragraph 36 of the plaint. It is stated that various negative reviews have been posted by the customers who have availed the services of the Defendants, wherein the quality of services and the conditions offered by the Defendants are stated to be below par as mentioned in paragraph 43 of the plaint.

27.14. The Plaintiffs, to protect their proprietary rights, issued a cease-and-desist notice dated 12.02.2025 to the Defendants, directing them to cease the use of the infringing marks or any other marks deceptively or confusingly similar to the Plaintiffs' BHPC Marks. Despite receiving the said notice and



a subsequent reminder notice dated 25.04.2025, the Defendants failed to respond to either.

28. Learned Counsel for the Plaintiffs stated that such adoption and use of the infringing marks by the defendants is bound to create a false sense of affiliation or nexus between the Plaintiffs and Defendants in the minds of the public, where no such affiliation exists.

28.1. He submits that the Defendant is using a composite mark, “Polo INN & Suites”, in conjunction with the device of a *polo player on horseback*. He submits that the Defendant displays the said mark prominently on the signage displayed on the facade the hotel premises as well as at the restaurant located in the hotel premises.

28.2. He states that the Plaintiffs have no objection to the Defendant’s use of the word mark “Polo INN & Suites” per se. However, the Plaintiffs are aggrieved by the Defendant’s adoption and use of the composite mark comprising “Polo INN & Suites” together with the *polo player on horseback device*. He states that the polo player device forms an essential and distinctive part of the Plaintiffs’ registered trademark “Beverly Hills Polo



Club/ POLO CLUB and thus closely resembles and infringes upon the Plaintiff’s registered mark.

28.3. He states that while the Defendants may use the word mark “Polo INN & Suites” independently, and clarifies that the ad-interim injunction at this ex parte stage is being sought only with respect to the polo player device mark.



28.4. He states that since Plaintiff has a registration in Class 43 for its



registered mark/ and intends to expand into this class of services, it seeks to restrain the Defendants from using the said mark. He states that the standalone device of polo player is used by the Plaintiffs on its apparel and accessories sold to the general public.

29. The Court has heard the learned counsel for the Plaintiffs and has perused the case.

30. Learned counsel for the Plaintiffs states that an advance paper book has been duly served upon the Defendants on 11.11.2025, at the e-mail address provided in the memo of parties. However, none appears on behalf of the Defendants.

31. The facts set out in the plaint, as noticed above, evidence the formidable reputation and goodwill built by the Plaintiffs in their BHPC logo marks for the goods sold by them.

32. The Plaintiffs also hold registration for the device mark



under Class 43, which is the relevant class as the services being rendered by the Defendants also fall under the same classification.

33. Upon bare comparison of the infringing marks (at paragraph 27.12 of



the order) and the BHPC Logo Mark/ , it is evident that the infringing marks prominently feature a polo player riding a horse, which is a striking element of the Plaintiffs' BHPC Logo Marks. The polo player



device/ used by the Defendants in its impugned marks is deceptively



similar to the polo player device/ used by the Plaintiffs in its mark.

The Plaintiffs have also demonstrated the use of the polo player device on a standalone basis on the goods sold by it. Accordingly, the association of the



polo player device/ with the Plaintiffs as a source identifier is also prima facie established in the minds of consumers.



34. In addition, the Plaintiffs device mark , when compared with the Defendants impugned [composite] marks set out in paragraph 27.12 are also deceptively similar due to the conjunction of the polo player device and the word polo in the Defendants composite mark.

35. In the considered view of this Court, the Plaintiffs have established a prima facie case in its favour. The Plaintiffs hold a valid registration in Class 43, and the services offered by the Defendants also fall within the same classification. In light of the prima facie finding that the polo-player device forming part of the Defendants' mark along with the word polo is deceptively similar to the Plaintiffs' registered mark, the Plaintiffs have established the grounds justifying the grant of injunctive relief. This conclusion is further strengthened by the absence of any reasonable or bona fide justification for the Defendants' adoption of the Plaintiffs' well-reputed device mark, which is arbitrary in its use for services covered by Class 43.



Additionally, the Defendants' failure to respond to the cease-and-desist notices issued by the Plaintiffs, coupled with their non-appearance before the Court despite being duly served in advance, also weighs materially against them.

36. The Court is further persuaded by the Plaintiffs' submission that, having regard to the substantial goodwill and reputation vested in its marks, there exists a real and tangible likelihood of an unwary consumer being misled into believing that the services offered by the Defendants are in some manner affiliated with, authorised by, or emanating from the Plaintiffs. Moreover, as previously noted, the Plaintiffs have expressed its intention to expand its business operations into services falling within Class 43. In these circumstances, the quality of services (or lack thereof) presently being rendered by the Defendants are likely to cause prejudice to the Plaintiffs, as consumers may erroneously infer an association between the parties and attribute any dissatisfaction with the services rendered by the Defendants to the Plaintiffs. Such misapprehension has the potential to adversely impact the Plaintiffs' reputation, goodwill, and prospective business interests for services in Class 43.

37. In overall conspectus, Plaintiffs have made out a prima facie case for the grant of ex parte ad interim injunction against Defendants. This Court is satisfied that if an ex-parte ad-interim injunction is not granted at this stage, irreparable harm/injury would be caused to the Plaintiffs. Balance of convenience also lies in favour of the Plaintiffs, and against the Defendants.

38. Accordingly, till the next date of hearing, the following directions are issued:



1. Defendants, their partners, directors, shareholders, employees or proprietors as the case may be, its assignees in business, franchises, affiliates, subsidiaries, licensees and agents are hereby restrained from using in any manner whatsoever, offering, advertising, rendering of services, directly or indirectly dealing in any services under the Infringing Marks

i.e. “  ”, “  ”,

“  ”, “  ” and “  ” or any other trade mark/logo or device which is identical or deceptively similar to, or is a deceptive variant of, and/or includes, the Plaintiffs’ well known BHPC Marks and, their essential elements/features.

2. Defendants are directed to take down/remove all the representations/references of the Infringing Marks from their Social Media Accounts and E-Commerce Listings and any other digital platform.

39. It is however clarified that the Defendants are at liberty to use its word mark “POLO INN & SUITES” and ‘POLO LOUNGE’ forming part of the impugned marks, without the device mark of polo player.

40. Issue notice to the Defendants through all modes.

41. The reply to the application be filed within a period of four (4) weeks, from the receipt of notice.



42. Rejoinder thereto, if any, be filed within a period of four (4) weeks thereafter.
43. Compliance of Order XXXIX Rule 3 of CPC be done within a period of one (1) week from today.
44. List before the learned Joint Registrar (J) on **18.12.2025**.
45. List before Court on **02.02.2026**.
46. 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

NOVEMBER 13, 2025/msh/AJ