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

+ **CS(COMM) 1226/2025 & I.As. 28374-79/2025**

ARCHIAN FOODS PRIVATE LIMITED

.....Plaintiff

Through: Mr. Sagar Chandra and Mr. Nikhil
and Mr. Lakshay Gunawat,
Advocates

versus

CHAUDHARY BEVERAGE & ORS.

.....Defendants

Through: None

CORAM:

HON'BLE MS. JUSTICE MANMEET PRITAM SINGH ARORA

ORDER

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14.11.2025

I.A. 28379/2025 (seeking exemption from service to the defendants)

1. The present application has been filed under Section 151 of the Code of Civil Procedure, 1908 ('CPC') on behalf of the Plaintiff seeking exemption from service to the Defendants.
2. In view of the fact that the Plaintiff has sought an ex parte ad-interim injunction along with the appointment of a Local Commissioner, the exemption from effecting service upon the Defendants at this stage is granted.
3. Accordingly, the application stands disposed of.

I.A. 28378/2025 (seeking exemption from pre-institution mediation)

4. This is an application under Section 12A of the Commercial Courts Act, 2015 read with Section 151 of CPC filed by the Plaintiff seeking exemption from invoking pre-institution suit mediation.



5. 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.

6. Accordingly, the application stands disposed of.

I.A. 28377/2025 (for exemption)

7. Subject to the Plaintiff filing the clear, typed and translated copies of documents sought to be relied upon within four (4) weeks from today, exemption is granted for the present.

8. Accordingly, the application stands disposed of.

I.A. 28376/2025 (Under Order XI Rule 1(4) CPC)

9. This is an application seeking leave to file additional documents under Order XI Rule 1(4) of CPC [as amended by the Commercial Courts, Commercial Division and Commercial Appellate Division of High Courts Act, 2015 ('Commercial Courts Act')] read with Section 151 CPC, within thirty (30) days.

10. The Plaintiff, if it wishes to file additional documents will file the same within thirty (30) days from today, and it shall do so strictly as per the provisions of the Commercial Courts Act and the Delhi High Court (Original Side) Rules, 2018 ('DHC Rules').

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

12. Accordingly, the application is disposed of.

CS(COMM) 1226/2025

13. Let the plaint be registered as a suit.

14. Summons be issued to Defendants by all permissible modes on filing

¹ (2024) 5 SCC 815



of the process fee. An affidavit of service be filed within two (2) weeks.

15. 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 Plaintiff, failing which the written statement(s) shall not be taken on record.

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

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

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

19. List before the learned Joint Registrar (J) on **04.12.2025**.

20. List before Court on **23.03.2026**.

I.A. 28374/2025 (Under Order XXXIX Rule 1 and 2 CPC)

21. This is an application filed under Order XXXIX, Rules 1 and 2 CPC on behalf of the Plaintiff seeking an interim injunction against the Defendants.

22. Mr. Chandra, learned counsel for the Plaintiff sets up the case of the Plaintiff as under:

22.1. The Plaintiff, Archian Foods Private Limited, is a company engaged in the manufacture and marketing of traditional Indian flavoured non-alcoholic beverages. Since its establishment in 2013, under the auspices of



its predecessor, M/s Archian Foods, the Plaintiff has built a notable reputation and brand identity with its wide array of products marketed under the 'LAHORI' formative trademarks. These formatives include variants such as 'LAHORI ZEERA', 'LAHORI NIMBOO', and 'LAHORI KACHA AAM', among others.

22.2. It is stated that the rights in the aforementioned trademarks and trade dress are derived by the Plaintiff from M/s Archian Foods, under the Deed of Assignment dated 30.11.2021, whereunder M/s Archian Foods transferred all their intellectual property to the Plaintiff. It is stated that M/s Archian Foods adopted the trademark 'LAHORI' in the year 2013 in respect of 'kulfi' sold by them. Soon thereafter, in 2015, the Plaintiff diversified its business operations under the trademark 'LAHORI' and launched a non-alcoholic flavoured beverage called 'LAHORI ZEERA'.

22.3. It is stated that through strategic branding and high-quality offerings, the Plaintiff has successfully positioned itself as a prominent player in the non-alcoholic beverage sector, achieving sales figures of approximately Rs. 437.24 crores for the financial year 2023-2024 as mentioned in paragraph 10.3 of the plaint.

22.4. The Plaintiff has obtained several registrations in respect of several of its LAHORI formative trademarks/trade-dress in Class 30, 32, 16 and 35, details of which are given at paragraph 10.4 of the plaint. It is stated that for the subject mark 'LAHORI ZEERA', the Plaintiff has registration for its label in the relevant Class 32.



22.5. Further, the bottle of the “LAHORI ZEERA” product “” has also been registered as a design under the Designs Act, 2000 in the Plaintiff’s favour, under Design no.352339-001.

22.6. In 2022, Plaintiff devised the logo  and the trade-dress



for its goods and trademark application for registration of this logo is applied for and is pending. The Plaintiff has obtained a copyright registration bearing No. A146655/2023 for the ‘LAHORI ZEERA’ label



having tagline ‘DESI HI CHANGA’ and a copyright

registration bearing no. A-14992/2025 for the label  having tagline ‘APNA DESI THANDA’

Overview of the Defendants:

22.7. Defendants are involved in the manufacturing and marketing of flavoured/non-flavoured non-alcoholic beverages drinks/beverages, soft drinks and beverages, including soda and other carbonated drinks (‘impugned goods’) under the following impugned mark/logo/ trade dress/ packaging/ label/ bottle design being:



Impugned Good	Impugned Mark/Logo	impugned trade dress/ packaging/ label	Impugned Bottle Design
	LAHOR/LAHOR ZEERA/  LAHORE/ LAHORE JEERA 	 (referred to as the 'impugned LAHOR/LAHOR ZEERA/ trade dress/ packaging/ label')	
Impugned Carton			
 (referred to as the 'impugned LAHORE/ LAHORE JEERA carton')			

22.8. Defendant No.1 and 2 are the manufacturers of the goods bearing the impugned marks/logos/trade dress/packaging/label/carton/ bottle design.

22.9. Defendant No.3 is the proprietor of Defendant No. 1 and has applied

**NUMBER ONE
LAHOR ZEERA**

for the registration of the impugned mark bearing application number 6390078 dated 16.04.2024, filed on a 'proposed to be used' basis.

22.10. Defendant No.4 is the distributor of the impugned goods whereas Defendant No. 5 is a John Doe.

Overview of the infringement

22.11. It is the case of the Plaintiff that the Plaintiff in the last week of September 2025 learnt that the Defendants are selling the goods bearing the impugned marks in the market of Delhi. Consequently, the Plaintiff bought the impugned goods from Defendant No. 4/Lucky Agencies, for which no invoice was issued.



22.12. It is stated that the carton of the impugned goods so procured, mentioned the name of the manufacturer as 'Balaji Beverage'/Defendant No.2 having FSSAI License no. as 13421000100123' and impugned label mark as 'No.1 LAHORE JEERA', whereas the packaging/label of the impugned bottles mentioned the details of the manufacturer as Chaudhary Beverage/Defendant No.1 having FSSAI Number as '10823007000030' and the impugned mark as 'No.1 LAHOR ZEERA'.

Upon investigation, it was found that the address and FSSAI details provided on the carton as well as on the impugned bottles are not valid and are non-existent.

22.13. It is stated that on further investigation, it was revealed that Defendant No. 1 has [several] manufacturing units located in Taal Nagar, Industrial Area, Bahadurgarh, Jhajjar, Haryana- 124507, wherein it manufactures the impugned goods bearing variations of the impugned mark/logo/trade-dress/ packaging/ label under various fictitious entity names and addresses hence the impleadment of Defendant No. 5 as John Doe entity.

22.14. A comparative analysis of the Plaintiff's marks/logos/trade dress/label, along with the Defendants' marks/logos/trade dress/label, as set out in paragraph 34 of the plaint is set out as under:

PLAINTIFF'S TRADE MARK	DEFENDANTS' IMPUGNED MARK
'LAHORI ZEERA'	'LAHOR/LAHOR ZEERA' 'LAHORE/LAHORE JEERA'
PLAINTIFF'S LOGO	DEFENDANTS' IMPUGNED LOGO
	
PLAINTIFF'S CARTON	DEFENDANTS' CARTON



PLAINTIFF'S TRADE DRESS/ PACKAGING/ LABEL	DEFENDANTS' IMPUGNED TRADE DRESS/ PACKAGING/ LABEL

22.15. Learned Counsel for the Plaintiff states that the products being sold by the Defendants are counterfeits. He states that the font style in which the impugned mark 'No. 1 LAHOR ZEERA' has been written is identical to the Plaintiffs' trademark LAHORI ZEERA. Also, the impugned label itself is a slavish imitation of the Plaintiffs registered copyrighted label. He states that the design of the bottles used by the Defendants also infringed on the registered design of the Plaintiffs.

22.16. He states that the Defendants are knowingly using the impugned mark, to produce counterfeit products. This is corroborated by their deliberate act of providing incorrect FSSAI and address details on the carton as well as the impugned goods. He 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 Plaintiff and Defendants in the minds of the public, where no such affiliation exists.

Court's Findings

23. The Court has heard the learned counsel for the Plaintiff and has perused the matter.

24. The Plaintiff is the registered proprietor of various LAHORI Formative trademarks under classes 16, 30, 32 and 35, which includes a



label for LAHORI ZEERA/ in the relevant Class 32. The



Plaintiff's application for registration of the label mark in Class 32 is pending before the Trademark registry.

25. Plaintiff also holds copyright registration for the LAHORI ZEERA



labels, i.e., ' and ' and these are labels currently in



use. The Plaintiffs holds registration for the design of the bottle ' , as noted above.

26. The Plaintiff has averred that it adopted the trademark LAHORI ZEERA in 2015 and has substantial sales figures for its products sold under the formative marks of LAHORI.



27. A bare comparison of the Plaintiff's products and impugned products produced at paragraph '22.14' of this order ex-facie demonstrates that the Defendants have replicated the trade dress/label, the bottle design and have adopted a mark No. 1 LAHOR ZEERA, which is deceptively similar to the Plaintiff's trademark LAHORI ZEERA. The words '**No. 1**' in the Defendants' impugned mark are invisible on the bottle and even otherwise are insufficient to distinguish the mark of the Defendant from the mark of the Plaintiff.

28. The Defendants' adoption and use of the impugned mark/logo LAHOR ZEERA and LAHORE JEERA, which are visually, structurally, and phonetically identical to the Plaintiffs' marks and used for identical goods, appears to be a calculated attempt to derive unlawful gains and cannot be regarded as bona fide. Additionally, the submission of the Plaintiff with respect to the incorrect address details and FSSAI details provided by Defendant Nos. 1 and 2 on the cartons of the impugned goods and bottles also shifts the balance of convenience in favour of the Plaintiff as this fact substantiates the plea of the Plaintiff with respect to Defendant's attempt to circulate the counterfeit products in the market.

29. The Defendants are using the impugned mark, trade dress, packaging, and the impugned bottle design with respect to the identical goods in the same line of business, distributed through the same trade channels, whilst catering to the same class of consumers as the Plaintiffs. Consequently, there is inevitably going to be a likelihood of confusion, and an unwary customer with average intelligence and imperfect recollection will associate the Defendants' impugned product with the Plaintiff's products due to the striking similarities in the product.



30. The Court is further of the view that, since the product in question is a consumable item, any instance in which a consumer purchases the Defendants' product under the mistaken belief that it originates from the Plaintiffs, and subsequently suffers adverse health effects from its consumption, would not only endanger public health but also cause significant harm to the Plaintiff's reputation and goodwill.

31. In the overall conspectus, Plaintiff have made out a prima facie case for the grant of ex parte ad interim injunction against the 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 Plaintiff. The balance of convenience also lies in favour of the Plaintiffs and against the Defendant.

32. Accordingly, till the next date of hearing, Defendants and its directors/ proprietors/ partners, associates, assigns or assignees in interest, heirs, successors or successors in interest, permitted assigns, sister concerns or group companies, distributors, dealers, wholesalers, retailers, stockiest, agents and all others acting for and on their behalf are hereby restrained from using, soliciting, manufacturing, selling, offering for sale, importing, exporting and advertising in any manner including on the internet and e-commerce platform, directly or indirectly dealing in impugned goods or any other cognate/related and allied goods under the impugned mark/logo

'LAHOR ZEERA/' & 'LAHORE JEERA/' and

'LAHOR ZEERA trade dress/ packaging/ label



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and Impugned LAHORE JEERA Carton and bottle design or any other marks/ logos/ trade dresses/ packaging/ labels/get ups that may be identical and/or deceptively similar to and/or imitation of and/or colourable imitation of and/or substantial reproduction of Plaintiff's Trade

Mark/Logo LAHORI ZEERA/  /  and Trade Dress/ Packaging/ Label/ Get-Up 'LAHORI ZEERA' and/or applying the Plaintiff



registered design to article being bottle or any fraudulent and/or obvious imitation thereof amounting to infringement of Plaintiff's registered trademark and copyright under registration no. A-146655/2023 and piracy of Plaintiff's Registered Design bearing No. 352339-001.

33. In the suit, the Plaintiff has also impleaded unknown entities as John Doe/Defendant No. 5. Learned counsel for the Plaintiffs states that the leave is sought in case further entities are identified during the course of local commission. It is directed that the injunction order adverted hereinabove shall apply mutatis mutandis to the John Doe Defendants as well.

The Plaintiffs shall take steps to implead such John Doe parties as Defendants in these proceedings, within two (2) weeks from execution of the local commission, failing which the injunction will not apply to the John Doe defendants. The Registry shall issue summons in the suit and the application to the John Doe defendants as and when impleaded.

34. The Defendants as also the John Doe Defendants, will have liberty to



approach the Court for variation, modification or even vacation of the order passed by this Court and shall have a right to defend themselves on the next date of hearing before this Court, which shall be duly intimated to him or them by the counsel for the Plaintiffs.

35. In view of the fact that the Plaintiffs have sought appointment of a Local Commissioner to seize the infringing and counterfeit product and packaging, the very purpose of grant of ex-parte ad interim injunction would be defeated if the Defendants are given notices contemplated in Order XXXIX Rule 3 of CPC prior to the execution of the commission. Hence, it is directed that the Plaintiffs shall serve notice under Order XXXIX Rule 3 of CPC at the time of execution of the Local Commission which shall not be later than two (2) weeks from today.

36. List before the learned Joint Registrar (J) on **04.12.2025**.

37. List before Court on **23.03.2026**.

I.A. 28375/2025 (seeking appointment of Commissioner)

38. This is an application filed under Order XXVI Rule 9 and Order XXXIX Rule 7 read with Section 151 of CPC for the appointment of a Local Commissioner.

39. In order to ensure that the injunction is fully complied with and to preserve the evidence of infringement, this Court deems it appropriate to appoint one (1) Local Commissioner, the appointment is confined thereto.

S.No	Address	Particulars
1.	Chaudhary Beverage at Mandauthi, Taal Nagar Industrial Area, Asodha Bahadurgarh, Jhajjar, Haryana- 124507	Mr. Pawas Raghuvanshi, Advocate E. No. UP/07026/2020 M. No. 7066538728



40. The mandate of the Local Commissioner is as under: -
- I. The Local Commissioner shall visit the premises of the Defendant as mentioned above, to inspect and seize the products of the Defendants bearing the registered trademarks of the Plaintiffs.
 - II. The Local Commissioner is permitted to seize the products bearing the impugned marks at the above premises and if knowledge is acquired of any other premises where the products could be stored, the Local Commissioner is free to record the same and then visit the other premises and conduct a seizure there as well.
 - III. The Local Commissioner shall also inspect and seize any products/materials including pamphlets, brochures, stickers, packaging materials, dyes or blocks used for preparing the manufacturing materials, display boards, sign boards, advertising material, dyes or blocks, unfinished, packed, unpacked infringing products bearing the impugned marks or any other documents, wrapper etc. so that it can be ensured that no fresh manufacturing of the infringing products bearing the impugned marks can take place.
 - IV. The Local Commissioner shall also obtain the details as to since when products bearing the impugned marks are being used by the Defendants and obtain copies of the accounts, if the same is found to be sold in market.
 - V. The Local Commissioner shall obtain accounts including ledgers, stock registers, invoice books, receipt books, cash books, purchase and sale records and any other books of record or commercial transactions kept at the premises of the Defendant and take a photocopy and/or record of all such transactions that pertain to



infringing products, if any. The Defendant shall cooperate and give passwords to the computers and the files containing the accounts, if the same is stored on the computer or a specific software.

- VI. After preparation of the inventory, the products bearing the impugned marks, in fully manufactured or unfinished condition, including packaging materials, advertising, promotional materials, pamphlets, brochures, boxes, videos, hoardings, brochures, banners, cartons and other material bearing the impugned marks or the marks, which are similar to the Plaintiff's trademarks, shall be released to the Defendants on *Superdari*. The monetary value of the stock shall also be ascertained.
- VII. Upon being requested, the concerned jurisdictional police authority, the Commissioner of Police/Superintendent of Police and/or the Station House Officer ('SHO'), shall render necessary cooperation for execution of the commissions, as per this order.
- VIII. The Local Commissioner is also permitted to break open the locks, with the help of the local police, if access to the premises is denied to the Commissioner.
- IX. The Local Commissioner is permitted to take photographs and videography of the proceedings of the commission, if it is deemed appropriate. Two (2) representatives of the Plaintiffs, which may include a lawyer, are permitted to accompany the Local Commissioner.
- X. The Local Commissioner, while executing the commission, shall ensure that there is no disruption to the business of the Defendants, except for the purposes of the execution of the commission. The



commission shall be executed in a peaceful manner.

- XI. On such further seizure of infringing products, the Defendants or each one of them in respect of whom the seizure has been effected, shall be served with a complete set of Court documents forthwith.
- XII. Copy of the order and complete paper book shall be served by the Local Commissioners upon the Defendants at the time of execution of commissions.
41. The direction at (II) above is to enable the Local Commissioner to carry out inspection at the site of the John Doe Defendants if any discovered during the course of the commission.
42. The order passed today, shall not be uploaded for a period of two (2) weeks for enabling the execution of the commissions.
43. The Local Commissions shall be executed within two (2) weeks. The report of the Local Commissioners shall be filed within two (2) weeks thereafter.
44. The fee of the Local Commissioner is fixed at Rs. 2,50,000/- (Rupees Two Lakhs Fifty Thousand Only) excluding out-of-pocket expenses, travel expenses, accommodation expenses, etc., which is to be borne by the Plaintiffs.
45. In terms of the foregoing, the present application stands disposed of.
46. Either the learned counsel for the Plaintiff or the learned Local Commissioner is directed to collect certified copy of this order from the Registry (Dispatch Branch) before for execution of the Commission.
47. The learned Local Commissioner shall carry the certified copy of this Order for execution of the Commission and a copy of the same shall be served upon the Defendant by the learned Local Commissioner at the time



of the execution of the Commission.

48. *Coloured Copy of this order to be given dasti under the signatures of the Court Master.*

MANMEET PRITAM SINGH ARORA, J
NOVEMBER 14, 2025/rhc/Aj