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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CS(COMM) 1268/2025**
M/S. CP CENTURY HARDWARE PVT. LTD.Plaintiff
Through: **Ms. Swathi Sukumar, Senior Counsel**
along with Mr. Nishant Dwivedi, Mr.
Vishal Patel, Mr. Kunal Khanna & Ms.
Divya Verma, Advocates.

versus

JAIPRAKASH SONI & ANR.Defendants
Through:

CORAM:
HON'BLE MR. JUSTICE TEJAS KARIA

% **ORDER**
27.11.2025

I.A. 29555/2025(Exemption)

1. Exemption is allowed, subject to all just exceptions.
2. The Application stands disposed of.

I.A. 29554/2025 (Exemption from pre-institution Mediation)

3. This is an Application filed by the Plaintiff seeking exemption from instituting pre-litigation Mediation under Section 12A of the Commercial Courts Act, 2015.
4. As the present matter 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.
5. The Application stands disposed of.

I.A. 29691/2025 (Exemption from advance service to the Defendants)

6. This is an Application filed by the Plaintiff under Section 151 of the



Code of Civil Procedure, 1908 (“CPC”), seeking exemption from advance service to the Defendants.

7. Ms. Swathi Sukumar, the learned Counsel for the Plaintiff, submitted that there is a real and imminent likelihood that the Defendants may take immediate steps to dispose of, conceal or suppress its infringing business operations and digital footprints bearing the deceptively similar Trade Mark.

8. In view of the fact that the Plaintiff has sought an urgent *ex-parte ad-interim* injunction along with the appointment of the Local Commissioner, the exemption from advance service to the Defendants is granted.

9. The Application is disposed of.

CS(COMM) 1268/2025

10. Let the Plaint be registered as a Suit.

11. Issue Summons. Let the Summons be served to the Defendants through all permissible modes upon filing of the Process Fee.

12. The Summons shall state that the Written Statement(s) shall be filed by the Defendants within 30 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.

13. Liberty is granted to the Plaintiff to file Replication(s), if any, within 30 days from the receipt of the Written Statement(s). Along with the Replication(s) filed by the Plaintiff, an Affidavit of Admission / Denial of the documents of Defendants be filed by the Plaintiff, without which the Replication(s) shall not be taken on record.

14. In case any Party is 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.

15. If any of the Parties wish to seek inspection of any documents, the same shall be sought and given within the prescribed timelines.

16. List before the learned Joint Registrar on 19.01.2026 for completion of service and pleadings.

I.A. 29552/2025(U/O XXXIX Rule 1 and 2 of CPC)

17. Issue Notice. Notice be served through all permissible modes upon filing of the Process Fees.

18. The present Suit has been filed for permanent injunction restraining infringement of the registered Trade Mark, passing off, copyright, damages, dilution, rendition of accounts, delivery up, etc.

19. The learned Counsel for the Plaintiff made the following submissions:

19.1. The Plaintiff incorporated on 05.04.2021, is engaged in the business of manufacturing, marketing of all kinds of Modular Kitchen Hardware, Cabinet Hardware, Wire Baskets, Hinges, Baskets, Locks, Telescopic Slider, Modular Kitchen Accessories, Household and Kitchen Containers made of Stainless Steel, Steel Pullout Basket goods etc. (**“Plaintiff’s Products”**) included in Classes 6, 8, 11, 14, 21 and 35 under the Marks / Artistic Work ‘CP



CENTURY’ / ‘



’ (**“Subject Marks”**). The Subject Marks

were adopted in the year 2018. The Plaintiff acquired the rights of



the Subject Marks through from their original proprietors through Assignment Deeds and subsequently became the proprietor of the Subject Marks. The registration details of the Subject Marks are as below:

S. No.	Trademark	Application No.	Class	Date of Application	Status
1.	CP CENTURY (DEVICE) 	3812151	06	20/04/2018	Registered
2.	CWPL' CENTURY	4029562	06	17/12/2018	Registered, legal valid & subsisting
3.	CP CENTURY	4394564	35	31/12/2019	Registered
4.	CWPL' CENTURY	4197221	21	04/06/2019	Registered
5.	CP CENTURY	5266652	8	29/12/2021	Registered
6.	CP CENTURY	5266653	14	29/12/2021	Opposed
7.	CP CENTURY	5263055	21	27/12/2021	Opposed
8.	CP CENTURY	4220936	21	26/06/2019	Objected
9.	CP CENTURY	5254460	11	20/12/2021	Opposed
10.	CP CENTURY	722772	6	10/09/2025	Objected
11.	CP CENTURY	7236733	7	15/09/2025	Formality Check Pass

19.2. The Plaintiff is having the exclusive statutory as well as common law rights in the Subject Marks and as such the Plaintiff is entitled



to the exclusive use of the Subject Marks as a trade mark in relation to the Plaintiff's Products falling in Classes 6, 7, 8, 11, 14, 21 and 35 or similar goods. The Plaintiff is having valid, subsisting and exclusive legal rights in the Subject Marks.

- 19.3. The Plaintiff is also the registered proprietor of the original Artistic Work in the Subject Marks having unique colour combination layout and lettering style in relation to the Plaintiff's Products under Copyrights registration bearing Nos. A-135144/2020, A-135699/2020, A-136175/2021, A-156277/2024 and A-156278/2024. The Plaintiff is also original conceiver, adopter and



user of the Artistic Work '  ' and is the registered proprietor of the said original Artistic Work under Copyright registration bearing No. A-156279/2024.

- 19.4. Because of the high quality of the Plaintiff's Products bearing the Subject Marks, the Subject Marks have become distinctive and acquired secondary meaning *qua* the Plaintiff's Products. The consumers, members of the trade and general public associate and connect the Plaintiff's Products bearing the Subject Marks exclusively with the Plaintiff and none else.
- 19.5. The Plaintiff has been continuously, extensively, openly using the Subject Marks in relation to the Plaintiff's Products since their adoption in the year 2018 without any hindrance or obstacle from customers, public and members of the trade.



- 19.6. The Plaintiff has also been carrying on, conducting and advertising its business activities under the Subject Marks. The Subject Marks are prominently written on all the Plaintiff's Products, packaging materials, boxes, advertisements and publicity materials of the Plaintiff. The Plaintiff's Products under the Subject Marks have been widely promoted, *inter alia*, through various social and audio-visual mediums including advertising, articles and mention in leading newspaper, trade magazines and on Social Media Platform and e-commerce websites such as Facebook, Amazon, Flipkart, YouTube, Google, Snapdeal, Instagram, Twitter, India Mart, etc. and by way of distribution of trade literatures and trade novelties etc.
- 19.7. The Plaintiff's Products and its business are dependent on the Subject Marks and the Subject Marks constitute an inseparable part of the Plaintiff and its business. Thus, the Subject Marks are of immense importance to the business, reputation and goodwill of the Plaintiff and its authorized entities. The Plaintiff is also running its website <https://www.centuryhardwares.in> having information about the Plaintiff and its business and the same is accessible to consumers and public at large.
- 19.8. As per the records available on the GST Department website and documents uploaded on the Trade Mark website, Defendant No. 1 is the sole proprietor of one M/s. Daksh Marketing and Defendant No. 2 is the sole proprietor of one M/s. Jai Shree Trading Co. The Defendants are engaged in the identical business of identical products as that of the Plaintiff.



19.9. In the last week of October, 2025, the Plaintiff received complaints from its market dealers in Madhya Pradesh and Rajasthan reporting that certain persons or entities were engaged in the sale of products

under the Mark 'SANCTUARY' /  **SANCTUARY**

("Impugned Mark") and the packing whereof bears an identical representation of one of the Subject Marks 'CP CENTURY'. Following these complaints, the Plaintiff directed its sales team to conduct a comprehensive market survey and investigation in the several states of the country. The investigation revealed that Defendant No. 1 is using the Impugned Mark for his business and Defendant No. 2 is the dealer of Defendant No. 1 who is selling the products of Defendant No. 1 bearing the Impugned Mark ("Impugned Products") in the area of Rajasthan. Upon further investigation on different e-portals, the Plaintiff found that the Defendants' details have been listed on the website of IndiaMart as well. Upon going through the images uploaded on the said website the Plaintiff found that Defendant No. 1 is manufacturing and distributing the Impugned Products and that Defendant No. 1 has deliberately adopted the Impugned Mark which has different spelling when compared to the prominent part of the Subject Mark 'CENTURY' but has identical sound as that of the Subject Marks. The colour combination adopted by Defendant No. 1 for the Impugned Mark is also similar to that of the Subject Marks.



19.10. Thereafter, the Plaintiff through its Trade Mark Attorney made inquiries on the website of the Trade Mark Registry and upon inquiry, the Plaintiff came to know that on 13.12.2021, Defendant No. 1 had applied for the registration of a similar Impugned Mark



‘ vide application No. 5244502 and 5244503 with respect to the goods i.e. Metal hardware, Pins [hardware], Washers [metal hardware], Pulleys [metal hardware], Thimbles [metal hardware], Nuts [metal hardware], Door hardware [Metal], Hooks [metal hardware], Sleeves [metal hardware], Hardware of metal, small, Metal hardware for buildings, Hooks for slate [metal hardware], Small items of metal hardware, Buckles of common metal [hardware] included in Class 6 and Wholesale services in relation to metal hardware claiming user as ‘proposed to be used’. However, both the applications filed by Defendant No. 1 stands opposed by a third party.

19.11. The lettering style used by Defendant No. 1 in the Impugned Mark shows the *mala fide* on the part of Defendant No. 1 as Defendant No. 1 has deliberately chosen the Impugned Mark and the said conduct of Defendant No. 1 is solely motivated to earn illegal profits by using / riding upon the reputation and goodwill of the Subject Marks.

19.12. A mere cursory glance at the packing of the Impugned Products reveals that it is intended for causing confusion that the Impugned Products emanate from the Plaintiff. An analysis of the Plaintiff’s



Products and the Impugned Products show the degree of resemblance of the Impugned Products. A comparative analysis of the Impugned Mark and the Subject Marks also sets out a case of likelihood of Confusion.

Manner of use / presentation by the plaintiff	Manner of use / presentation by the defendants
	
	
	



19.13. The visual representation of the Subject Mark ‘’, shows that the word ‘CENTURY’ is the dominant and prominent



part of the Subject Mark ‘’. The Defendants are *mala* *fidely* using the Impugned Mark



‘’, by giving an identical impression in order to create confusion and deception in the mind of purchasing public with an intention to encash the goodwill / reputation of the Subject Marks. The Defendants have deliberately used the word ‘SANCTUARY’ as a prominent part in the Impugned Mark in such a way so that the customer can get easily confused at the time of purchasing of the products.

19.14. The Defendants are intentionally involved in marketing and selling of the Impugned Products which are obvious imitations of the aesthetic and unique characteristic features and the well-known color combination used in the Subject Marks for the Plaintiff’s Products thereby causing a mistaken impression in the minds of the consumers and public at large that the Impugned Products originate from the Plaintiff. The alleged actions of the Defendants are violating the rights of the Plaintiff vested in the Subject Marks.

19.15. The Defendants are well aware of the Subject Marks and their adoption / use by the Plaintiff in relation to the Plaintiff’s Products. The Defendants are also aware of the goodwill and reputation attached to the Subject Marks and as such motivated to earn illegal profits by using / riding upon the reputation and the goodwill of the



Subject Marks. The use of the Impugned Mark or any other identical and deceptively / confusingly similar trade mark / label / artistic work to that of the Subject Marks in relation to identical, related or other goods / business amounts to infringement and passing off of the Subject Marks. By use of the Impugned Mark, the Defendants are passing off their inferior quality Impugned Products as those of the Plaintiff and as a consequence the Subject Marks are being diluted and reduced to nullity.

- 19.16. Reliance was placed on ***Crocs Inc. v. Registrar of Trademarks*** 2025 SCC OnLine Del 6276, ***Encore Electronics Ltd. v. Anchor Electronics & Electricals Pvt. Ltd.*** 2007 SCC OnLine Bom 147, ***K. R. Chinna Krishna Chettiar v. Shri Ambal & Co.*** (1969) 2 SCC 131, ***Ruston & Hornsby Ltd. v. Zamindara Engineering Co.*** (1969) SCC 2 727, ***M/s Hitachi Ltd. v. Ajay Kumar Aggarwal*** 1995 SCC OnLine Del 268), ***Jaquar & Co. Pvt. Ltd. v. Ashirvad Pipes Pvt. Ltd.*** 2024 SCC OnLine Del 2281, ***INSEAD Association v. Fullstack Education Pvt. Ltd.*** 2023 SCC OnLine Del 3016, ***Lakme Ltd. v. Subhash Trading*** 1996 SCC OnLine Del 585, and ***Shree Nath Heritage Liquor Pvt. Ltd. v. Allied Blenders & Distillers Pvt. Ltd.*** 2015 SCC OnLine Del 10164 to submit that phonetic similarity in the conflicting marks is sufficient to give rise to a likelihood of confusion.
- 19.17. The Plaintiff's Products and Impugned Products are similar and identical falling in Class 6 and 35. The consumers of the Plaintiff's Products and Impugned Products and the channels of trade are also identical. The Plaintiff being the prior user of the Subject Marks



have not given any consent, permission to the Defendants to use the Impugned Mark, its similar expressions and similar artistic work.

19.18. Such use on the part of the Defendants is *mala fide* and dishonest and the same is with a view to ride upon the reputation and goodwill of the Plaintiff and as such the same amounts to infringement and passing off of the Plaintiff's statutory rights in Subject Marks. The Defendants are acting against public interest and causing irreparable loss and injury to the Plaintiff and to the public at large as the Impugned Products are of inferior quality and efficiency. The Defendants are clandestinely and surreptitiously marketing and selling the Impugned Products in several parts of the country including Madhya Pradesh, Rajasthan and Delhi / NCR by themselves as well as through their dealers and distributors. Therefore, the Defendants are liable to be restrained from infringing the Subject Marks and passing off the Impugned Products as those of the Plaintiff's Products.

20. The material placed on record shows that the Plaintiff is the prior adopter and continuous user of the Subject Marks. The Plaintiff holds valid and subsisting Trade Mark and Copyright registrations in India for the Subject Marks in relation to the products under Class 6, 8, 11, 14, 21 and 35. The Plaintiff's uninterrupted commercial use, considerable advertising and market presence across several States have led to the acquisition of goodwill and distinctiveness in favour of the Plaintiff, with the purchasing public and the members of the trade associating the Plaintiff's Products bearing the Subject Marks exclusively with the Plaintiff.



21. It is a settled law that in cases of phonetic similarity, what has to be seen is the phonetic impact of the words on ordinary purchasers, for whom both the words bear a close resemblance to the ears. In the present case, even though the meaning of the words 'CENTURY' and 'SANCTUARY' may be different, both the words have a striking phonetic similarity and it would be difficult for ordinary purchasers to distinguish between the finer nuances of the sounds produced by the words 'CENTURY' and 'SANCTUARY' while articulating them. The ordinary purchasers would pronounce the words 'CENTURY' and 'SANCTUARY' in the same way. Applying the test of the ear, *prima facie*, there is likelihood of deception and confusion being caused by the Subject Marks and the Impugned Mark in view of the similarity and affinity of sound between the words 'CENTURY' and 'SANCTUARY', particularly when it is considered that the Subject Marks and the Impugned Mark are used for identical products.

22. Having considered the material placed on record and the submissions made by the learned Counsel for the Plaintiff, a *prima facie* case is made out in favour of the Plaintiff. The use of the Impugned Mark phonetically similar to the Subject Marks used in relation to identical products is likely to cause confusion, leading the ordinary purchasers believe that the Impugned Products emanate from or are connected with the Plaintiff. The balance of convenience is in favour of the Plaintiff, as continued use of the Impugned Mark is likely to dilute the Plaintiff's goodwill, and erode the distinctiveness of the Subject Marks. Therefore, if the Defendants are not restrained from continuing the alleged activities, the Plaintiff is likely to suffer irreparable injury to its reputation, statutory rights, and consumer trust.



23. Accordingly, till the next date of hearing, the Defendants, their proprietors, partners, associates, sister concerns, dealers, distributors, servants, agents, assigns and representatives and all others acting for and on their behalf are restrained from manufacturing, selling, offering for sale, advertising directly and indirectly dealing in Impugned Products or services included in Class 6 and 35 bearing the Impugned Mark 'SANCTUARY' / '



SANCTUARY

, or any other Trade Mark / Label / Device / Artistic Work as may be identical with or deceptively similar to the Subject



Marks 'CP CENTURY' / ' / 'CWPL CENTURY' / '



24. Let the Reply to present Application be filed within four weeks after service of Notice. Rejoinder thereto, if any, be filed before the next date of hearing.

25. List before this Court on 17.03.2026.

I.A. 29553/2025 (for Appointment of Local Commissioner)

26. The present Application has been filed by the Plaintiff under Order XXVI Rule 9 read with Order XXXIX Rule 7 of the CPC, seeking appointment of a Local Commissioner. The Court has considered the merits of the Plaintiff's case and has granted an *ex-parte ad-interim* injunction as recorded above in I.A. 25920/2025 under Order XXXIX Rule 1 and 2 of the CPC.



27. Accordingly, in order to ensure that the injunction is fully complied with, it is deemed appropriate to appoint Local Commissioner to visit the Defendants' premises at the following address:

Sr. No.	Particulars	Name of Local Commissioner
1.	JAIPRAKASH SONI, Proprietor of M/s. Daksh Marketing, Having its office at 726, Jagrati Nagar, Near B.K Sindhi Colony, Navlakha, Indore, Madhya Pradesh- 452009.	Mr. Nakul Gupta, Advocate [Contact No.: 9958497205]

28. The mandate of the learned Local Commissioner is as under:

- The learned Local Commissioner shall visit the premises of the Defendants as per the above table, to inspect and seize the Impugned Products, either in fully or semi-manufactured condition bearing the Impugned Mark 'SANCTUARY' /  **SANCTUARY**, or packaging bearing Marks which are identical or deceptively similar to the Subject Marks.
- If knowledge is acquired of any other premises than the aforesaid premises, where the Impugned Products could be stored, the learned Local Commissioner is free to record the same and then visit the other premises and conduct a seizure there as well;



- iii. The learned Local Commissioner shall also inspect and seize any product 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 Impugned Products or any other documents, wrapper etc., so that it can be ensured that no fresh manufacturing of the Impugned Products can take place;
- iv. The learned Local Commissioner shall also obtain the details as to since when the Impugned Products are being dealt with by the Defendants and obtain copies of the accounts if the same is found to be sold in market;
- v. The learned 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 Defendants, and take photocopy and / or record of all such transactions that pertain to Impugned Products, if any. The Defendants 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 Impugned Products including packaging materials, advertising, promotional materials, pamphlets, brochures, boxes, videos, hoardings, banners, signage, cartons and other material and packaging bearing the Impugned Marks or any other Marks which are similar to the Subject Marks shall be released



to the Defendants on *superdari*. The monetary value of the stock shall also be ascertained;

- vii. The learned Local Commissioner is also permitted to break open the locks, with Police help, if access to the premises where the Impugned Products have been stocked / manufactured, is denied to the Commissioner;
- viii. Upon being requested, the concerned Station House Officer (SHO) shall render necessary cooperation for execution of the Commission, as per this order;
- ix. The learned Local Commissioner is permitted to take photographs and videos of the proceedings of the Commission, if it is deemed appropriate. Two representatives of the Plaintiff, which would include a lawyer, are permitted to accompany the learned Local Commissioner;
- x. The learned 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.

29. Either the learned Counsel for the Plaintiff or the learned Local Commissioner is directed to collect the certified copy of this Order from the Registry (Dispatch Branch) before the execution of the Commission.

30. 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 Defendants by the learned Local Commissioner at the time of the execution of the Commission.



31. The fees of the learned Local Commissioner is fixed at ₹2,00,000/- (Rupees Two Lakh only) excluding out of pocket expenses, travel, lodging etc. All the aforesaid expenses shall be borne by the Plaintiff and paid in advance to the learned Local Commissioner named hereinabove.
32. The Commission shall be executed within two weeks, and the report of the learned Local Commissioner shall be filed within a period of two weeks thereafter.
33. Compliance of Order XXXIX Rule 3 of CPC shall be done within two weeks after the execution of the Commission.
34. It is directed that this Order shall be uploaded on the Court's website after the execution of the Commission is completed, to enable effective execution thereof.
35. The Application stands disposed of.
36. Order *dasti* under the signature of the Court Master.

TEJAS KARIA, J

NOVEMBER 27, 2025/ 'A'