

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
IN ITS COMMERCIAL DIVISION

COMMERCIAL IP SUIT NO. 158 OF 2014

M/s. Prajapati Constructions Limited And Ors ..Plaintiffs

Versus

M/s. Shivam Prajapati Homes Plan (india) Private Limited And Anr ...Defendants

WITH

NOTICE OF MOTION NO. 30 OF 2014

IN

COMMERCIAL IP SUIT NO. 158 OF 2014

Mr. Kulkarni Gaikwad i/b Dinesh D. Tiwari & Associates for Plaintiff.

Mr. Rahul Mohite i/b Aviraj Tarar of Tarar Law Associates for Defendants.

CORAM : ARIF S. DOCTOR, J.

DATE : 9th DECEMBER 2025

P.C.

1. The matter was on board for framing of issues. After perusing the consolidated list of issues tendered, the Court frames the following issues;

1. Whether the Defendants, by adopting and using the names and marks 'New Prajapati', 'Shivam Prajapati Homes Plan', and identical or deceptively similar logos, have infringed the Plaintiffs' registered trademarks.
2. Whether the Defendants' adoption and use of the impugned marks

and logos amount to passing off, thereby causing deception and confusion among purchasers and the general public as to origin, quality, or source of services.

3. Whether the Defendants adopted the impugned marks dishonestly and with intent to trade upon the goodwill and reputation of the Plaintiffs.
4. Whether the Plaintiffs are entitled to a decree of permanent injunction restraining the Defendants, their servants and agents from using the impugned marks, names, or logos identical or deceptively similar to the Plaintiffs' 'PRAJAPATI' mark.
5. Whether the Plaintiffs are entitled to delivery up and destruction of all infringing publicity material, brochures, and literature bearing the impugned marks and logos.
6. Whether the Plaintiffs are entitled to damages and/or rendition of accounts and payment of profits earned by the Defendants from the unlawful use of the impugned marks, and the quantum thereof.
7. Whether the Plaintiffs are entitled to the appointment of a Court Commissioner to take custody of the Defendants' books of account, records, and promotional materials for computation of profits and damages.

8. Whether the Plaintiffs' claim for damages of ₹15 crores is maintainable and substantiated
9. Whether the Plaintiffs prove that they have Registered Trade mark, labels and logos in respect of their real estate construction business and the like services at the time of filing the Suit?
10. Whether the Plaintiff's prove that the word 'Shivam' and/or 'New' appearing in the Defendant's trade mark material are identical and/or similar to the Plaintiff's trade/corporate name?
11. Whether the Defendants prove that the Word 'Prajapati' is a caste/tribe/community/God name and is not newly coined word?
12. Whether the Defendants prove that Plaintiffs consented and/or acquiesced to the Defendants adoption and use of the Defendants trademarks and have waived their rights to challenge and/or question the same?
13. Whether the Defendants proves that he is engaged in Civil Construction works from 2003 and under the name and style of M/s. Prajapati Constructions from 2004–2005 onwards?
14. Whether the Plaintiff's prove that the logo 'P' is an artistic work?

2. The Plaintiff shall file affidavit of evidence of the Plaintiffs' witnesses along with compilation of documents and list of documents within a period of four weeks from today.
3. List for directions on **20th January, 2026**.

[ARIF S. DOCTOR, J.]