

OIPD-3

ORDER SHEET

IN THE HIGH COURT AT CALCUTTA
ORIGINAL SIDE
(Intellectual Property Rights Division)

IP-COM/3/2024
(Old No. CS/94/2020)
IA No. GA-COM/6/2025

DUROPLY INDUSTRIES LIMITED AND ANR.
VERSUS
MA MANSA ENTERPRISES PRIVATE LIMITED

BEFORE:

The Hon'ble JUSTICE ARINDAM MUKHERJEE

Date: 11th March, 2026

Appearance:

Mr. Debnath Ghosh, Sr. Adv.
Mr. Sarosij Dasgupta, Adv.
Ms. Pubali Sinha Chowdhury, Adv.
Ms. Mini Agarwal, Adv.
Mr. Shreyankar Nandy, Adv.
Ms. Rajeshwari Prasad, Adv.
For the plaintiffs/petitioners.

Ms. Sonal Shah, Adv.
Mr. Kushagra Shah, Adv.
Ms. Rittwika Banerjee, Adv.
For the defendant/respondent.

The Court:- The plaintiffs have filed a proceeding before the Hon'ble Intellectual Property Appellate Board (IPAB) and presently before Delhi High Court for rectification and/or cancellation of the registered mark of the defendant company. The defendant company has a registered mark of "DURO TOUCH" and the proceedings before Delhi High Court are admitted position. The proceedings before Delhi High Court is pending. During the pendency of the proceedings before the IPAB, the plaintiffs instituted this suit, inter alia,

seeking perpetual injunction restraining the defendant from selling its product under “DURO TOUCH” or “DURO” or any other mark. The plaintiffs have also tried to make out a case of passing off alleging that the plaintiffs are prior user of the mark “DURO” under which the plaintiffs have been selling the same, if not, identical products to that sold by the defendant.

In this suit, the plaintiffs had filed an application, inter alia, for injunction, which, after contested hearing before another co-ordinate Bench, was allowed by dint of the order dated 25th June, 2025, the operative portion whereof is as follows:

“The Respondent, it’s men, servants and agents are hereby restrained from using the mark “DURO TOUCH” or “DURO” or any other mark, identical or deceptively similar to the Petitioners’ registered trade mark “DURO” in respect of ply boards and other items mentioned in prayer “A” and “B” of the Petition, in any manner whatsoever, till further order.

It is clarified that views expressed above are tentative and would not affect the merit of the suit which would be decided on evidences adduced”.

The said order of injunction is in subsistence. The suit has proceeded upto the stage of witness action and the evidence is complete. Prior to the suit proceedings for witness action the defendant had filed an application, inter alia, for stay of the suit which, however, remains pending without any adjudication. This application is also in the list today along with the suit.

On a perusal of the application, I find that the same having a substantive bearing over the issue of further proceedings with the suit, is required to be heard and disposed of. The plaintiffs have not chosen to file any affidavit to this application.

In the aforesaid facts and circumstances, the suit is directed to go out of the list for the time being.

The application for stay of this suit being IA No. GA-COM/6/2025 shall appear in the list on 25th March, 2026.

On the returnable date, the parties should place a copy of the application now pending before the the Hon'ble Intellectual Property Appellate Board (IPAB) and presently before Delhi High Court and the orders passed therein, if not already on record.

(ARINDAM MUKHERJEE, J.)