

ITEM NO.11

COURT NO.16

SECTION XIV

S U P R E M E C O U R T O F I N D I A  
R E C O R D O F P R O C E E D I N G S

Petition for Special Leave to Appeal (C) No.6348/2026

[Arising out of impugned final judgment and order dated 03-11-2025 in FAO (COMM) No. 253/2023 passed by the High Court of Delhi at New Delhi]

SUPARSHVA SWABS (I) LIMITED

Petitioner(s)

VERSUS

AGN INTERNATIONAL &amp; ORS.

Respondent(s)

(IA No. 47090/2026 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT)

Date : 20-02-2026 This matter was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE K.V. VISWANATHAN  
HON'BLE MR. JUSTICE ATUL S. CHANDURKAR

For Petitioner(s) :

Dr. S. Muralidhar, Sr. Adv.  
Mr. Sudarshan Bansal, Adv.  
Mr. Shivang Bansal, Adv.  
Ms. Ninni Susan Thomas, Adv.  
Ms. Megha, Adv.  
Mr. Shahid Khan, Adv.  
Mr. Utsav Jain, AOR

For Respondent(s) :

UPON hearing the counsel the Court made the following  
O R D E R

1. Exemption Application is allowed.
2. Dr. S. Muralidhar, the learned Senior counsel appearing for the petitioner submits that the High Court has committed an error in Para 62 of the impugned order when it recorded the following:-

*"The principle that prior user prevails over registration, as held in Syed Mohideen (supra) presupposes that prior user has in fact established reputation in the relevant field of trade. In the present case, no cogent evidence has been led to show that by 2010 consumers identity "TULIPS" with cosmetics or fragrances. Thus, the claim of the plaintiff cannot extend to restraining the defendants' use of "AGN TULIP" in respect of perfumes."*

3. The learned Senior counsel submits that there is no obligation to show that consumers identify the trade-mark "TULIPS" with cosmetics or fragrances which is in fact the product of the respondents. The petitioner's products are "COTTON SWABS, WIPES AND TISSUES".

4. Further, the learned Senior counsel draws attention to page 144 of the Paper Book to contend that while the application was filed for proposed registration of the Respondents mark in 2010, the actual commencement of business happened only in 2021 indisputably.

5. Issue notice, returnable on 25-3-2026

6. Dasti service, in addition, is permitted.

(VISHAL ANAND)  
ASTT. REGISTRAR-cum-PS

(MANOJ KUMAR)  
BRANCH OFFICER