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

+ **CS(COMM) 300/2019**

**VIKAS GUPTA & ANR.**

..... Plaintiffs

Through: Mr. Sachin Gupta, Mr. Pratyush Rao,  
Ms. Jasleen and Ms. Rajnandini,  
Advs.

Versus

**S.K. GROUP INDUSTRIES**

..... Defendant

Through: None.

**CORAM:**

**HON'BLE MR. JUSTICE RAJIV SAHAI ENDLAW**

**ORDER**

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**30.05.2019**

**IA No.8210/2019 (for exemption)**

1. Allowed, subject to just exceptions.
2. The application is disposed of.

**IA No.8207/2019 (u/O XI R-1(4) CPC)**

3. For the reasons stated, the plaintiffs are permitted to file the additional documents latest with the replication, if any.
4. The application is disposed of.

**CS(COMM) 300/2019 & IAs No.8208/2019 (u/O XXXIX R-1&2 CPC) & 8209/2019 (u/O XXVI R-9 CPC)**

5. The two plaintiffs Vikas Gupta and Neha Herbals P. Ltd., being the registered proprietor and licensees of the trade marks 'NEHA' and 'NEHA HERBALS' in Class 3, with respect to *mehandi*, have instituted this suit for  
**CS(COMM) 300/2019**

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*True copy*  
*[Signature]*  
Court Master 31/5/19  
High Court of Delhi  
New Delhi

permanent injunction to restrain the defendant, situated at Chandausi, Uttar Pradesh, from infringing the said trade marks of the plaintiffs and passing off its goods i.e. 'ubtan', also under the name 'NEHA', and for ancillary reliefs.

6. Territorial jurisdiction of this Court is invoked pleading the cause of action to have accrued within the jurisdiction of this Court, though no bills have been produced.

7. It is the case of the plaintiffs that the plaintiffs also were in the business of 'ubtan' under the same mark and though also sought registration of the mark in relation to 'ubtan' but owing to the error in seeking registration under Class 5, when 'ubtan' also falls in Class 3, the said registration was not granted.

8. Issue summons of the suit and notice of the application for interim relief to the defendant by all modes including *dasti* and electronic returnable on 23<sup>rd</sup> July, 2019.

9. The plaintiffs, on the basis of pleadings and documents have made out a *prima facie* case for grant of *ex-parte* injunction.

10. The defendant, till further orders, is restrained from using the marks 'NEHA' or 'NEHA HERBALS' in any manner whatsoever with respect to face packs / 'ubtan' or any other cosmetic product or any mark as may be deceptively similar to the plaintiffs' marks.

11. The provisions of Order XXXIX Rule 3 of CPC be complied forthwith.

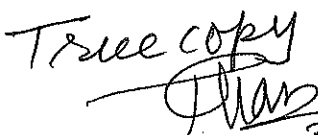
12. IA No.8209/2019 is dismissed as not pressed.

*Dasti* under signature of Court Master.

  
RAJIV SAHAI ENDLAW, J.

MAY 30, 2019/'bs'..  
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