



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

INTERIM APPLICATION NO. 4660 OF 2025
IN
COMMERCIAL IP SUIT NO. 179 OF 2025

Jawed Habib Hair and Beauty Limited ...Applicant/Plaintiff

Versus

Kavita Janki Services Pvt Ltd ...Respondent/Defendant

Ms. Nidhi Bangera, Mr. B. N. Poojari, Mr. Suresh Poojary, Mr. Rahul Poojari, Ms. Karishma Sawant i/b Legal House for Plaintiff.

CORAM : SHARMILA U. DESHMUKH, J.

DATE : FEBRUARY 17, 2026

P. C. :

1. By order dated 6th January, 2026, this Court had granted ad-interim relief in respect of infringement of trade mark and copyright. The Petition was allowed on 6th January, 2026 and the ad-interim relief granted earlier was continued.
2. Learned counsel appearing for Applicant submits that Respondent has been duly served and the Affidavit of service has been placed on record. She would submit that leave in respect of passing-off be considered and ad-interim relief be made absolute.
3. By order of 6th January, 2026, this Court came to a *prima facie*

finding about the proprietary right in the registered trade mark and the photographs were placed on record showing the Respondent's establishment continued the use of the Applicant's registered trade mark and had granted ad-interim relief.

4. In Paragraph No. 10 of the Complaint, the Applicant has given the yearwise turnover of franchisee royalty which shows the reputation and goodwill earned by the Applicant. Considering that the Applicant has several franchises spread pan India, it is evident that the Applicant's trade mark as well as the original artwork has acquired immense reputation and goodwill in salon services. The Respondent who is the ex-franchisee of the Applicant by reason of continued use by way of trade mark as well as the logo/trade name is misleading the public into believing that the establishment of Respondent is associated with that of the Applicant and despite the issuance of cease-and-desist notice has failed to discontinue the use of the mark. The material on record is *prima facie* sufficient to demonstrate the misrepresentation by the Respondent which is likely to cause damage to the reputation and goodwill of the Plaintiff.

5. In light of above, *prima facie* case has been made out for grant of relief in respect of passing-off in terms of prayer clause (c).

6. Insofar as the *prima facie* findings which have been arrived by this Court on 6th January, 2026 in the absence of any response by the

Respondent to displace the *prima facie* findings, there is no reason as to why the ad-interim relief should not be confirmed as interim relief.

7. Resultantly, the ad-interim relief granted by order dated 6th January, 2026 is confirmed as interim relief.

8. Interim Application is allowed in terms of prayer clauses (a), (b) and (c).

[SHARMILA U. DESHMUKH, J.]