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

+ CS(COMM) 299/2026

YESHA SANT DESIGNS PVT LTDPlaintiff

Through: Mr. Karan Bajaj, Mr. Rupin Bahl and
Ms. Aastha Arora, Advocates.

versus

VIDHI SINGHAL TRADING AS VARIE IN & ORS.Defendants

Through:

CORAM:

HON'BLE MR. JUSTICE TUSHAR RAO GEDELA

ORDER

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24.03.2026

I.A. 7687/2026 (Additional Documents)

1. The present application has been filed on behalf of the plaintiff under Order XI Rule 1(4) of the Code of Civil Procedure, 1908 ('CPC') as applicable to commercial suits under the Commercial Courts Act, 2015 ('CC Act') seeking leave to place on record additional documents.

2. The plaintiff is permitted to file additional documents in accordance with the provisions of the CC Act and the Delhi High Court (Original Side) Rules, 2018.

3. Accordingly, the application stands disposed of.

I.A. 7688/2026 (Pre-Institution Mediation)

4. This is an application filed by the plaintiff seeking exemption from instituting pre-litigation mediation under Section 12A of the CC Act.

5. As the present matter contemplates urgent interim relief, in light of the judgment of the Supreme Court in *Yamini Manohar vs. T.K.D. Keerthi: (2024) 5 SCC 815*, exemption from the requirement of pre-institution mediation is granted.

6. The application stands disposed of.

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I.A. 7689/2026(Exemption)

7. This is an application filed on behalf of the plaintiff under Section 151 of CPC seeking exemption from filing original/certified/clear/typed/translated/legible copies of the documents.

8. Exemption allowed, subject to just exceptions. However, original/certified/clear/typed/translated/legible copies of the documents with proper margins be filed within four weeks with an advance copy to the defendants.

9. The application stands disposed of.

I.A. 7690/2026 (Seeking Additional time to file Court Fees)

10. The present application has been filed by the plaintiff under Section 149 read with Section 151 of CPC, seeking exemption from payment of Court Fees at the time of the filing of the suit.

11. Considering the submissions made in the present application, an extension of two weeks is granted to affix the requisite Court Fees.

12. The application stands disposed of.

I.A. 7686/2026 (Order XXXIX Rules 1 & 2, CPC)

13. Present application has been filed on behalf of the plaintiff under Order XXXIX Rules 1 & 2 of CPC, 1908 seeking *ex-parte ad-interim* injunction against the defendant.

14. Plaintiff claims to operate a sustainable fashion and handcrafted apparel business in India which focuses on designing, producing and selling organic, artisan-made clothing and fashion items. The plaintiff designs, develops, manufactures and sells garments such as tops, shirts, kaftans, dresses, sarees etc. Plaintiff claims that in the year 2018, it adopted the designer label YESHA SANT which is being used continuously and extensively in relation to the garments designed, manufactured and sold by the plaintiff. Plaintiff has obtained registration of the mark YESHA SANT in Class 25, the details



whereof are reproduced hereunder:-

Trade Mark	Class	Reg. No.	Reg. Date
YESHA SANT	25	4786060	18.12.2020
			User Date: 24.06.2018
Clothing, footwear and headgear			

15. Plaintiff claims to engage artisans under contractual arrangements including exclusive arrangements to work for the plaintiff and carries out the collaborations that utilises the artisans' traditional knowledge while translating such skills into contemporary textile applications for garments marketed under the plaintiff's label. The Director of the plaintiff is claimed to have conceived and created two distinctive visual trademark representations under the plaintiff's label sometime in the year 2021. The said representations are referred as BANDHANI RABARI and BANDHANI TATTOO which are distinct visual elements developed and used by the plaintiff. As per the plaintiff, each constitutes a specific and identifiable representation comprising a structured and consistent arrangement of organised motifs, forming a recognisable and source distinguishing configuration exclusively associated with the plaintiff and its goods. The said two representations are extracted hereunder:-

BANDHANI RABARI





BANDHANI TATTOO



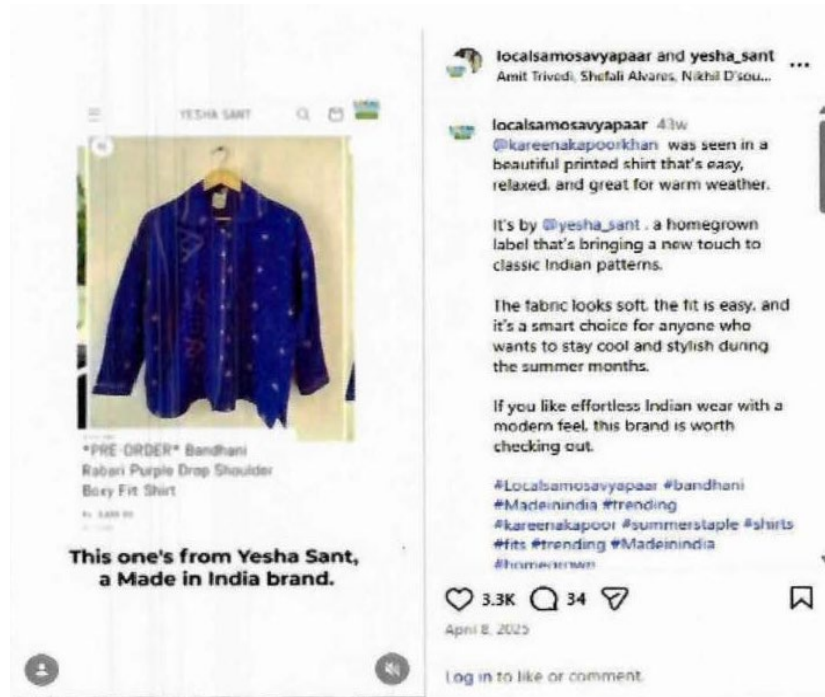
16. The plaintiff claims that the Bandhani trademarks are not printed on its goods but are handmade through a traditional hand-executed technique which imparts a distinctive sense of traditional craftsmanship and visual appeal. The fabric used is claimed to be an organic hand-woven fabric, woven by the weavers in Kutch. The fabric is stated to be known as Kala Cotton in Kutch and has a soft and airy texture. The silhouettes of the goods are thoughtfully designed and developed by hand after extensive experimentation. It is claimed that the Bandhani trademarks have received positive recognition and are a commercially successful venture. Such goods can be ordered from the plaintiff's website www.yeshasant.com. The handmade garments typically require approximately seven to ten days to complete and are delivered under such schedule.

17. Plaintiff claims that in a pop-up exhibition in the month of February, 2025, a stylist purchased multiple shirts and tops. It is claimed that the Bollywood actress, Ms. Kareena Kapoor Khan, liked the work and desired to purchase similar garments for herself. Plaintiff claims that the Ms. Kapoor was photographed wearing the shirt bearing the Bhandhani trademarks in public, following which those images became viral over social media platforms.



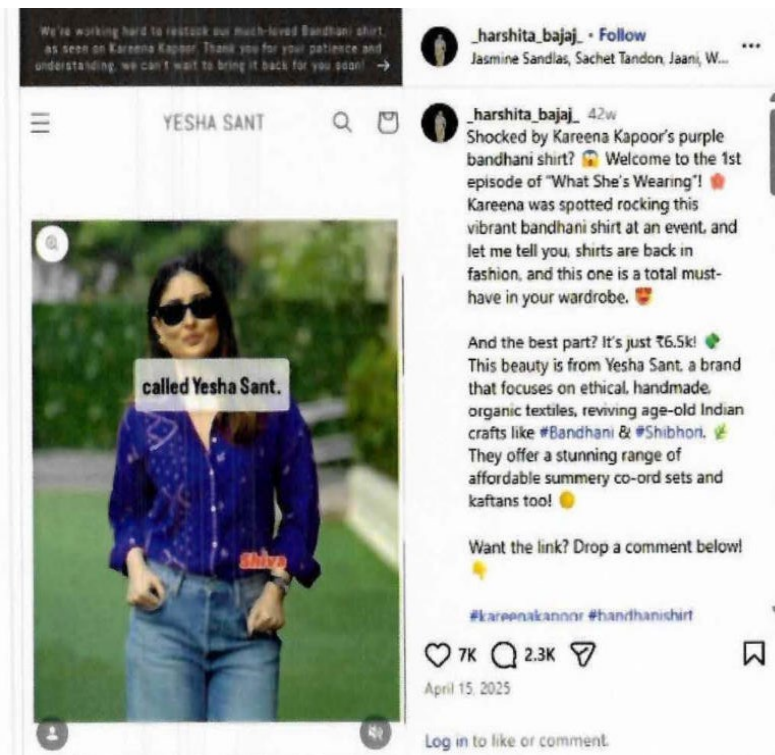
Plaintiff claims that as a result, the Bhandhani trademarks received significant public attention. Some of such remarks on Instagram are reproduced in para 19 and are extracted hereunder:-

<https://www.instagram.com/reel/DILqrfOyCsm/?hl=en>







<https://www.instagram.com/reel/Dldzl7zB67K/?hl=en>



18. Plaintiff claims that the said recognition was also garnered from various third party platforms such as Pinkvilla, News18, NDTV, Hindustan Times etc., The plaintiff also extensively advertises its goods under the said trademarks on social media platform such as Instagram and Facebook. Plaintiff claims that the trademark YESHA SANT and Bandhani trademarks have become extremely popular, resulting in the plaintiff earning more than an amount of Rs.58,16,725/- since 2021 till 2025.

19. In order to obtain statutory protection, the plaintiff has recently filed its trademark application which is pending registration, details of which are reproduced hereunder:-






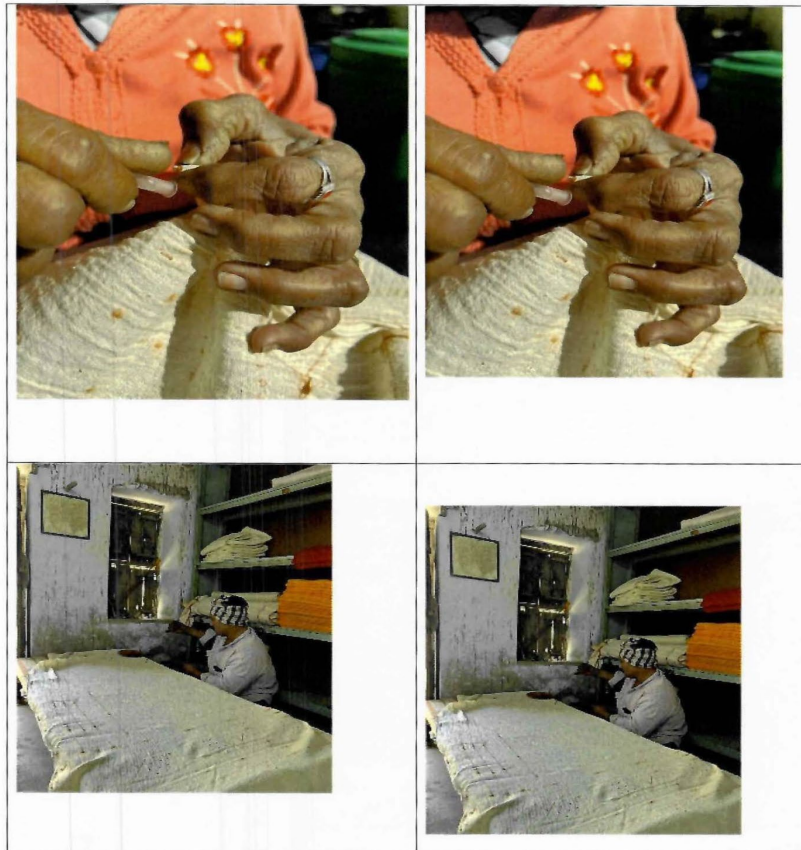
S. No.	Trade Mark	Class	App. No.	App. Date
1.	Bandhani Rabari 	25	7548151	19.02.2026 User date: 30.10.2021
clothing, women's clothing, including tops, kurtas, sarees, dresses, shirts, lounge wear, jackets, skirts, jumpsuits; men's clothing, included in class 25				
2.	Bandhani Tattoo 	25	7548152	19.02.2026 User Date: 01.10.2021
clothing, women's clothing, including tops, kurtas, sarees, dresses, shirts, lounge wear, jackets, skirts, jumpsuits; men's clothing, included in class 25.				


20. Plaintiff claims that on 09.11.2025, the Director of the plaintiff received a message on her Instagram from an unwary customer inquiring about the status of her order which allegedly was placed with the plaintiff. When the customer shared the screenshot of the order confirmation e-mail received by the customer, it revealed that the order had been placed with VAIRE.IN i.e., the defendant no.1. It was realised by the plaintiff that the defendant no.1 was using the images of the plaintiff without authorisation which misled the said customer into believing that the product of which such order was placed, originated from the plaintiff.

21. An investigation revealed that the defendant no.1 is operating the website bearing the domain name VAIRE.IN. It is claimed that the defendant no.1 has lifted the photographs and literature about the product in its entirety from the plaintiff's website. The said unauthorised act which display Ms. Khan wearing the Bandhani trademark garments by the defendant no.1 in comparison to that of the plaintiff is extracted hereunder:-



Plaintiff's Website	Defendant No. 1's website
	
	
	



<p>Fabric: Handwoven Organic Cotton</p> <p>Product Code: <i>YS258D01</i></p> <p>Experience the magic of handmade clothing through the long-lost traditions of the Rabari Tribe artisans. Their unique bandhani technique, reflects the intricate motifs of their tattoos and represents the oldest form of tie and dye. Using natural dyes from sources like iron rust, indigo, henna, haldi, and pomegranate peels, these artisans tie the fabric tightly at various points before submerging it in vibrant dye baths. The result is a stunning array of patterns, showcasing the beauty of this ancient craft.</p> <p>The shirt is made in an anti-fit pattern with drop shoulder.</p> <p><i>Please note this is a Handmade piece and thus variation in dyeing can't be controlled as each piece is dyed separately.</i></p> <p>THIS IS A MADE-TO-ORDER PIECE AND CAN'T BE RETURNED OR EXCHANGED.</p> <p>Dry clean recommended. Hand-wash only using liquid detergent. No direct sunlight.</p> <p>EXACT GARMENT MEASUREMENTS(BOXY-FIT)</p>	<p>KAREENA KAPOOR BANDHANI SHIRTS</p> <p>Rs. 2,990.00 Rs. 2,990.00</p> <p>Color: Purple</p>  <p>Experience the magic of handmade clothing through the long-lost traditions of the Rabari Tribe artisans. Their unique bandhani technique, reflects the intricate motifs of their tattoos and represents the oldest form of tie and dye. Using natural dyes from sources like iron rust, indigo, henna, haldi, and pomegranate peels, these artisans tie the fabric tightly at various points before submerging it in vibrant dye baths. Since the product is made to order and is processed after you place the order it can take upto 15-30 business days and during festive time the timeline can exceed to 60 business days from the date of order due to unavailability of our craftsmen. We request you to place your orders keeping in mind the given timeline. The result is a stunning array of patterns, showcasing the beauty of this ancient craft.</p>
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22. Plaintiff claims that the defendant's Instagram page revealed that the defendant no.1 is bulk manufacturing the impugned product and has hired influencers to promote such products. The screenshots of the same are as

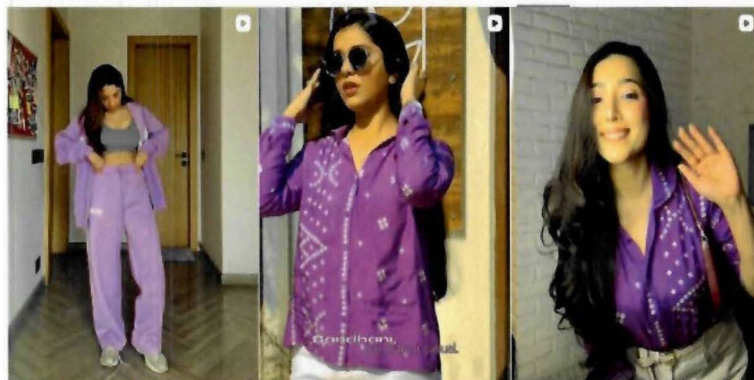


under:-

<https://www.instagram.com/vaire.in/reels/>



<https://www.instagram.com/vaire.in/tagged/>





23. Plaintiff claims to have also found advertisements published by defendant no.1 on Instagram where plaintiff's registered trademark YESHA SANT has been used without authorisation. One such screenshot is reproduced hereunder:-

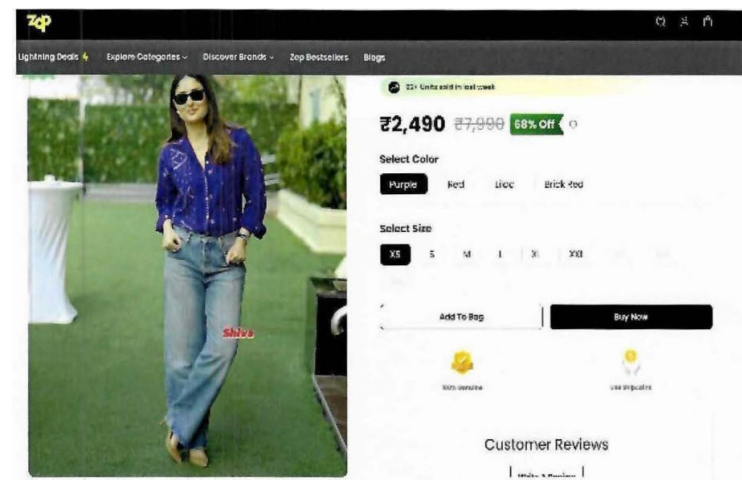
<https://www.instagram.com/p/DTQe vI8DMf2/>





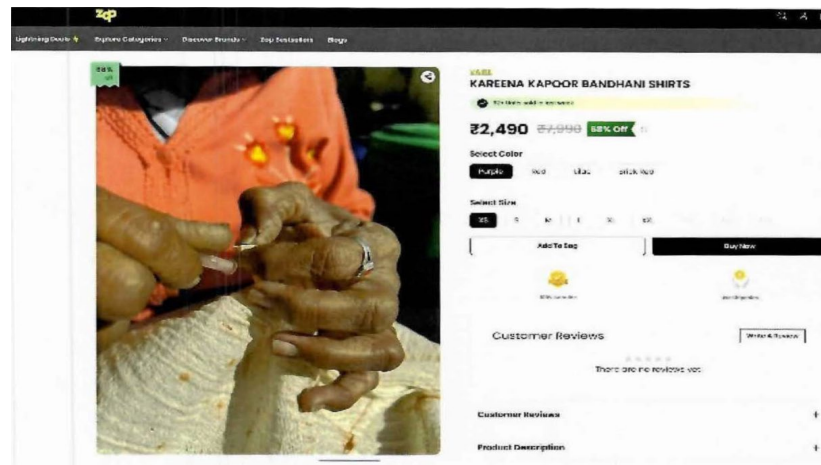
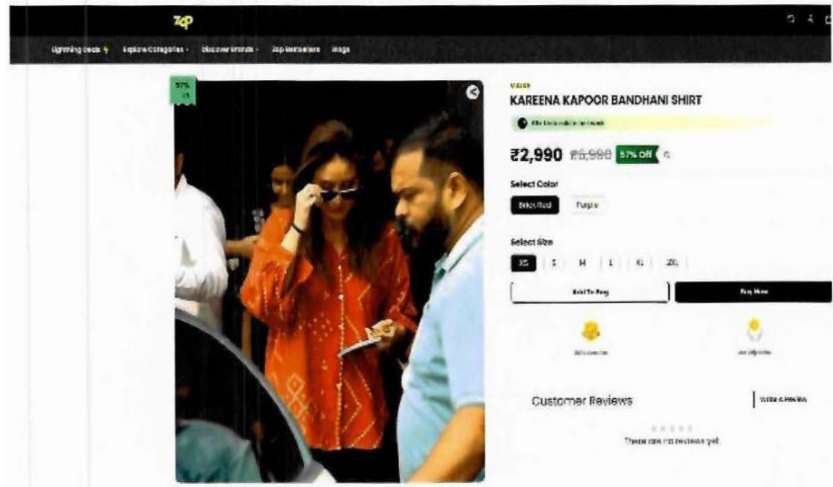
24. Plaintiff claims that the by the aforesaid unauthorised act, the defendant no.1 has deliberately misappropriated the plaintiff's trademark YESHA SANT to induce customers to place orders under the false assumption that the goods originate from the plaintiff. Even the defendant no.2's website which hosts defendant no.1's products is alleged to be using the same images which are available on the plaintiff's website. The said website and the images are reproduced hereunder:-

<https://www.zop.in/products/kareena-kapoor-bandhani-shirts>





<https://www.zop.iri/products/kareena-kapoor-bandhani-shirt-1>



25. The plaintiff claims to have placed an order on the defendant nos.1 and 2 of the impugned products which was received by the plaintiff in the month of January, 2026. Plaintiff claims that the product was not only not handmade, but the quality of material was also sub-standard. Plaintiff also claims that the product of the defendant no.1 is a cheap imitation and not the result of a tedious artistic traditional work employed by the artisans. According to the plaintiff, the defendant uses polyester satin fabric in comparison to the organic hand-woven fabric of the plaintiff which is substantially higher in cost to that of the defendant's raw material. The comparison of the two products is reproduced hereunder:-



26. Plaintiff claims that the impugned product suffers from visibly defective alignment and improper cutting, particularly along the left panel and hemline. The front placket is off-centre, and the Bandhani work is not symmetrically aligned with the garment's structure, thereby giving the impugned product a crude and unrefined appearance. Such poor tailoring and defective finishing materially detract from the aesthetic appeal and overall presentation of the garment.



27. Plaintiff claims to have come across a negative consumer review dated 16.01.2026 on the website of defendant no.1 which now stands removed, however, is reproduced hereunder:-

Material is very very cheap

Material is very very cheap. Not worth 2500/- It looks like bought from a roadside shop for 500/- Delivery very delayed. More than a month. No option for return and fake phone number given. I have been cheated and will ensure no one know buys from your fake item website.

28. Plaintiff claims that the unauthorised and illegal use of the Bandhani trademark of the plaintiff has created deception and confusion amongst the minds of the customers. The *ad verbatim* lifting and pasting of not only the images but also the literature from the website of the plaintiff to the website of the defendant no.1 has resulted in many consumers getting confused as to whose products they have placed orders of. One of such examples is at page 659 of the documents annexed to the plaint including the screenshot of the order placed by one of such confused customers. Plaintiff claims that the inferior products and the wilful misrepresentation by the defendant no.1 as if the products are Bandhani art works are clearly an illegal adoption of the Bandhani trademarks of the plaintiff, leading to deception and confusion amongst the public.

29. On the aforesaid basis, the plaintiff seeks an *ex-parte ad-interim* injunction.

30. This Court has heard Mr. Bajaj, learned counsel for the plaintiff, perused the pleadings and examined the documents on record. The plaintiff has a valid registration for the trademark YESHA SANT in Class-25 which was applied on 18.12.2020 with a user date claimed since 24.06.2018. Apart from the said valid registration, the other trademarks i.e., BANDHANI RABARI and BANDHANI TATTOO have been applied for as device marks only on 19.02.2026. The validity or otherwise of the trademarks BANDHANI



RABARI or BANDHANI TATTOO is yet to be finalised by the Trade Marks Registry. It has neither been argued nor averred in the plaint nor is there any document placed on record to indicate whether the plaintiff is asserting any copyright on the BANDHANI RABARI or BANDHANI TATTOO representations. Clearly, the plaintiff is restricting its relief only to violation of its statutory or common law rights over the two stated trademarks. So far as the alleged violation of the registered trademark YESHA SANT of the plaintiff is concerned, it appears from the documents placed on record that the defendants have lifted the images of a popular actress wearing what is claimed by the plaintiff to be its BANDHANI model shirt/top and the unique literature available on the plaintiff's website.

31. In one of the images, the portion showing the label of the registered trademark YESHA SANT has been delineated by encircling the same in red. The images of comparison between the products of the plaintiff and those of the defendant no.1 also striking similarity. Plaintiff has also applied for the registration of the trademarks BANDHANI RABARI and BANDHANI TATTOO which are reproduced hereunder:-

(NOT FOR LEGAL USE)

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As on Date : 05/03/2026

Status : Formalities Chk Pass

TM Application No.	7548151
Class	25
Date of Application	19/02/2026
Appropriate Office	MUMBAI
State	MADHYA PRADESH
Country	India
Filing Mode	e-Filing
TM Applied For	Bandhani Rabari
TM Category	TRADE MARK
Trade Mark Type	DEVICE
User Detail	30/10/2021
Certificate Detail	
Valid upto/ Renewed upto	
Proprietor name	(I) YESHA SANT DESIGNS PVT. LTD. Body Incorporate
Proprietor Address	E-8/244 Trilanga Bhopal, Madhya Pradesh-462039
Email Id	****@bahlandbajaj.com
Attorney name	BAHL AND BAJAJ[30225]
Attorney Address	M-19A, LGF, South Extension Part II - New Delhi - 1100049
Goods & Service Details	[CLASS : 25] Clothing; women clothing including tops, kurtas,sareers, dresses, shirts, lounge wear, jackets, skirts, jumpsuits; mens clothing, included in class 25

WARNING/DISCLAIMER : THE DATA OF TRADE MARKS REGISTRY IS UNDER THE PROCESS OF DIGITISATION. IF ANY DISCREPANCY IS OBSERVED IN THE DATA PLEASE CONTACT OR SUBMIT AT APPROPRIATE TRADE MARKS REGISTRY ALONGWITH SUPPORTING DOCUMENTS. THIS WILL HELP IN UPDATION OF ELECTRONIC RECORDS.



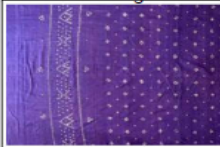
FORM TM- A

The Trade Marks Act, 1999

Application For Registration Of a Trademark

On application to register a trade mark for a specification of goods or services included in one class [section 18(1)]

Temp. Ref. No: 13779506

NATURE OF APPLICATION:	A TRADE MARKS APPLICATION
APPLICATION FILED AS:	Small Enterprise
FEE:	4500
APPLICANT	
Applicant No.	1
Name	YESHA SANT DESIGNS PVT. LTD.
Address	E-8/244 Trilanga Bhopal, Madhya Pradesh-462039
Country	India
Jurisdiction	MUMBAI
Address for Service	M-19A, LGF, South Extension Part II - New Delhi - 1100049
Mobile No.	
Email Address	i****@bahlandbajaj.com
Nature of Applicant	Body Incorporate
Legal Status	Company Incorporated under the Laws of India
APPLICANT'S AGENT (If Any):	
Name	BAHL AND BAJAJ
Address	M-19A, LGF, South Extension Part II - New Delhi - 1100049
Nature of Agent	Advocate
Registration No.	
MARK DETAILS	
Category of Mark	DEVICE
Trade Mark	Bandhani Rabari
Image Description	Geometric motifs arranged in stylised manner featuring a distinctive ornamental border with intricate detailing.
Trademark Image:	
	
IF MARK IN A LANGUAGE OTHER THAN HINDI OR ENGLISH	
Language	English
CONDITIONS OR LIMITATIONS TO USE THE TRADEMARK, IF ANY	
TRUE COPY	
CLASS OF GOODS OR SERVICE	
Class: 25	Description: Clothing; women clothing including tops, kurtas,sareers, dresses, shirts, lounge wear, jackets, skirts, jumpsuits;mens clothing, included in class 25
STATEMENT AS TO USE OF MARK	The mark is used by the applicant or its predecessor in title since 30/10/2021 in respect of the goods and service mentioned in the application.
ANY OTHER IMPORTANT INFORMATION OR STATEMENT	
VERIFICATION	<i>I hereby verify that above mentioned facts are true to best of my knowledge and belief.</i>
Date	19-02-2026 07:36 PM

32. The said applications are stated to be pending before the Registry of Trade Marks. The sales figures provided by the plaintiff does not clearly depict as to whether the sales between the years 2021-2025 are on account of sale of the BANDHANI RABARI and BANDHANI TATTOO products or are inclusive of all the other products manufactured under the trademark YESHA



SANT. At this stage, the material on record does not clearly demonstrate this issue.

33. The screenshots placed on record of the Instagram handles of the defendant no.1, defendant no.2 and the plaintiff do indicate that the customers are indeed in confusion as to whether the products of the defendants originate from the plaintiff or are associated with it. The parties appear to be manufacturer of products in the same class and their trade channels appear to be more or less identical. It cannot be said that the consumer base is not common. So far as the products being manufactured by the defendant no.1 by projecting pictorial images of a popular actress and the goods with the mark YESHA SANT is concerned, there appears to be, *prima facie*, unauthorised adoption and infringement of the registered trademark YESHA SANT of the plaintiff.

34. In view of the above, having regard to the overall circumstances and facts of the case, this Court is of the considered opinion that an *ex-parte ad-interim* injunction order to a limited extent can be passed by this Court. At the risk of reputation, it is noted that the plaintiff is not asserting any violation of copyright at all. If a party seeks interim orders on the claim of infringement of trademark which are yet to be registered, it has to place sufficient and cogent material on record to demonstrate as to when such marks were conceived and adopted; the goodwill and reputation such marks may have garnered over time; the secondary significance that such marks may have gathered over the last many years, in the absence whereof, it would be difficult for the Court to, *prima facie*, conclude that the said trademarks have gathered secondary significance, entitling them for protection.

35. In the aforesaid limited scope, in order to do complete justice, this Court passes the following directions:-

- (i) Defendants, their employees, servants, agents, distributors, franchises, suppliers, affiliates, franchisees, licensees, representatives



etc., are restrained from manufacturing, selling, offering for sale the impugned product bearing and/or in any manner using the registered trademark YESHA SANT of the plaintiff, and/or any other marks that contain or are deceptively and confusingly similar to the plaintiff's trademark YESHA SANT as a mark or part of their trademark.

- (ii) Defendants, their employees, servants, agents, distributors, franchises, representatives, suppliers, affiliates, franchisees, licensees etc., are directed to remove all references and images of the impugned products bearing the plaintiff's BANDHANI RABARI and BANDHANI TATTOO trademarks as well as the plaintiff's trademark YESHA SANT or any other mark which contains or is deceptively and confusingly similar to the plaintiff's trademarks YESHA SANT, BANDHANI RABARI and BANDHANI TATTOO from its website(s), social media pages, e-commerce websites, etc. and all third-party websites.

36. Issue notice.

37. Let a reply to this application be filed by the defendants within four weeks from service. Rejoinder, thereto, if any, be filed within two weeks thereafter.

38. Compliance of Order XXXIX Rule 3 of CPC shall be done within ten days from date.

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39. Let the plaint be registered as a suit.

40. Upon filing of the process fee, issue summons of the suit to the defendants through all permissible modes.

41. The summons shall state that the Written Statement shall be filed by the defendants within 30 days from the date of the receipt of summons. Alongwith the Written Statement, the defendants shall also file Affidavit of



Admission/Denial of the documents of the plaintiff, without which the Written Statement shall not be taken on record.

42. Liberty is granted to the plaintiff to file Replication, if any, within 30 days from the receipt of the Written Statement. Along with the Replication filed by the plaintiff, an Affidavit of Admission/Denial of the documents of defendant be filed by the plaintiff, without which the Replication shall not be taken on record.

43. In case any party is placing reliance on a document, which is not in their power and possession, its details and source shall be mentioned in the list of reliance, which shall also be filed with the pleadings.

44. If any of the parties wish to seek inspection of any documents, the same shall be sought and given within the prescribed timelines.

45. List before the Joint Registrar (Judicial) on 07.07.2026 for completion of service and pleadings.

46. List before the Court on 25.09.2026.

TUSHAR RAO GEDELA, J

MARCH 24, 2026/Sumit