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

+ **CS(COMM) 321/2026**

M/S DUX NATURALS THROUGH ITS PARTNERS MS. MEENA VALECHA, MR. ANSHUL VALECHA AND MR. ANKIT VALECHAPlaintiff

Through: Mr. Gaurav Barathi, Mr. Chirantan Priyadarshan, Ms. Amita Singh, Mr. Vishal Thakur and Mr. Rahul Dwivedi, Advocates.

versus

BABU G STORE AND CO & ANR.Defendants

Through: None.

**CORAM:
HON'BLE MR. JUSTICE TUSHAR RAO GEDELA**

ORDER
27.03.2026

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I.A. 8122/2026(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. 8123/2026 (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.

I.A. 8121/2026 (Exemption)

7. This is an application filed on behalf of the plaintiffs under Section 151 of CPC seeking exemption from filing clear/legible/taped/translated documents along with the captioned suit.

8. Exemption allowed, subject to just exceptions. However, clear/legible/taped/translated 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. 8120/2026 (Order XXXIX Rules 1 & 2, CPC)

10. 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.

11. Plaintiff claims that it is a partnership firm (family owned partnership firm), which came into existence from 05.05.2004 and commenced operations from 18.04.2006, is engaged in the manufacturing, marketing and sale of premium beauty and cosmetic products such as body lotions, body washes, moisturizing creams, all purpose creams, hair-removal foams, and other allied products.

12. Plaintiff claims that the partnership firm 'DUX NATURALS' was formed by partners Mrs.Meena Valecha and Mrs.Rajni Valecha under the provisions of the Indian Partnership Act, 1932 and in continuation to the previous deed, another partner was inducted to the firm namely Mr.Anshul Valecha and finally, a deed of admission-cum-retirement of partner was executed on 06.09.2022, wherein Mrs.Rajni Valecha retired from the




partnership and in her place, Mr. Ankit Valecha was inducted as the new partner with the entire share of the retiring partner being transferred to the new partner. Plaintiff further claims that it has a sister concern namely Zevvers Marketing Private Limited, having its office at Delhi, which is a family-run company as well and the said company is the exclusive distributor of the plaintiff, selling and marketing the plaintiff's products pan India.

13. The plaintiff claims that on 01.06.2006, it coined and adopted the trademark "DUXX DARLING" and applied for registration of the said trademark in Class 3 on 02.08.2006. The plaintiff claims that the said mark has no dictionary meaning, rendering it distinctive. The plaintiff further



claims that it has devised a device mark/ on 15.11.2006 and the plaintiff applied for registration of the said device mark on 06.12.2017. The registration details of the said trademark and device mark are enumerated in paragraph 11 of the plaint, which is extracted hereunder:

Trademark Registrations in Class 3	Registration No.	Date of Application	Usage Claimed Since
DUXX DARLING	1475344	02/08/2006	01/06/2006
	3695868	06/12/2017	15/11/2006

14. Plaintiff claims that the trade dress/packaging of the subject matter product is designed by its in-house graphic designers, as enumerated in para 12 of the plaint, which is extracted hereunder:-



Plaintiff claims that the aforesaid works constitute original artistic work within the meaning of Section 2(c) of the Copyright Act, 1957 and the plaintiff therefore is the owner of the copyright of aforesaid label/packaging.

15. Plaintiff claims to sell its products through its website <www.duxnaturals.com> as well as various e-commerce platforms viz. Amazon, Flipkart, India Mart, Meesho, Spring Kart, Zervers, Trade India, Mydukaan, Desertcart, etc., which are deliverable in Delhi as well.

16. Plaintiff claims that since its inception in 2004, the plaintiff has achieved substantial annual sales turnover from its business in manufacturing, marketing and sale of premium beauty and cosmetic products as enumerated in para 9 of the plaint, which is extracted hereunder:-

Financial Year	Plaintiff Firm's Annual Sales Turnover (INR)
2017-18	5,44,28,919/-
2018-19	5,66,44,539/-
2019-20	4,81,46,539/-
2020-21	4,44,59,920/-
2021-22	5,21,65,690/-



2022-23	6,20,46,208/-
2023-24	6,87,66,160/-
2024-25	7,24,90,124/-

17. Plaintiff claims that it has invested substantial efforts in developing, marketing and promoting its aforesaid products under the plaintiff's trademark and the device mark through advertising across various social media platforms including Instagram and YouTube and the plaintiff claims that the plaintiff's aforesaid trademark/device mark has attained significant popularity and has become well-known and widely recognized among the relevant section of the public.

18. Plaintiff claims that sometime in October, 2025, the plaintiff discovered that the defendants are manufacturing and selling products imitating the



plaintiff's trademark/device mark "DUXX DARLING/" for the same category of goods i.e. moisturising cream in every material respect, including its label, packaging, colour combinations and artistic features.

19. Plaintiff claims that upon further inquiry, it came to the knowledge of the plaintiff that defendant no.2 has already applied for the registration of a



trademark under Class 5, with its application no.7169649 on 11.08.2025. Plaintiff further submits that on gaining knowledge of defendants' infringing activities, the plaintiff issued a Cease-and-Desist notice dated 10.10.2025 to cease the use of the plaintiff's trademark "DUXX DARLING". Plaintiff states that no reply was received to the said cease-and-



desist notice of the plaintiff.

20. Plaintiff claims that it came to know that defendant no.2 filed another



deceptively similar trademark application for the device mark/ bearing application no.7322076 on 04.11.2025 on a proposed to be used basis in Class 3.

21. The Plaintiff submits that the Defendants' use of the impugned marks/device, labels, trade dress, and packaging is deceptively similar to that of the Plaintiff and is likely to cause confusion and deception among unwary customers. It is further submitted that such use amounts to infringement and passing off, and is likely to dilute and tarnish the Plaintiff's goodwill and reputation vested in the aforesaid trademark/device and trade dress in respect of its product, namely, the moisturising cream.

22. Predicated on the above, the plaintiff seeks an *ex-parte ad-interim* injunction.

23. Heard Mr. Gaurav Barathi, learned counsel appearing for the plaintiffs, perused the pleadings and examined the documents on record.



24. The comparison table showing the deceptive similarity between the plaintiff's products and defendants trademark is enumerated in para 18 of the plaint, which is extracted hereunder:-

Plaintiff's Products	Defendants' Products
	



 <p>(Front View)</p>	 <p>(Front View)</p>
 <p>(Back View)</p>	 <p>(Back View)</p>
 <p>(Side View)</p>	 <p>(Side View)</p>
 <p>(Side View)</p>	 <p>(Side View)</p>
 <p>(Top View)</p>	 <p>(Top View)</p>

25. Plainly, the comparison of both marks clearly demonstrate the similarity/deceptive similarity which are most likely to confuse the ordinary

consumer. The manner in which the mark  and  are placed at the centre of the product and the style and design of the logo is



clearly deceptively similar. That apart, the word ‘DUXX’ and ‘Babu ji DUKK’ also create confusion as the words ‘Babu ji’ is in small font while the word ‘DUKK’ is in capital letters which is similar to the word ‘DUXX’ and on a simple look both look alike. The words beneath that, i.e., ‘DARLING’ is identical, and the word ‘moisturising’ in small font and ‘ALL PURPOSE CREAM’ in capitals with identical font demonstrably would deceive or confuse the general public. The trade dress including the background colour of the trade is also almost identical.

26. The aforesaid impression, when viewed from the perspective of an unwary consumer with average intelligence and of imperfect recollection is not only of confusion but one may be deceived into purchasing the infringing goods of the defendant believing those to be of the plaintiffs or be associated with the plaintiff.

27. In view of the above, the plaintiff has demonstrated a *prima facie* strong case in its favour. The plaintiff has been able to demonstrate a *prima facie* strong case in its favour. The balance of convenience too is tilted in favour of the plaintiff. The plaintiff is sure to suffer irreparable loss and injury which may not be adequately compensated in monetary terms.

28. Accordingly, the following directions are passed:

- a. Defendant nos.1, 2 and 3 (John Does) its wholesalers, distributors, partners or proprietors as the case may be, its officers, servants, representatives, agents and all other persons claiming under or through it or acting in concert with it or otherwise whosoever restrained from manufacturing, selling, distributing, offering for sale, advertising directly or indirectly whether offline or online platform or any other platform, directly or indirectly dealing in products under the impugned



trademarks



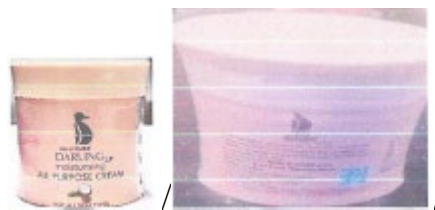
and



as well as under

label/packaging/trade

dress/get-up



or any other mark/label/packaging/trade dress/get-up.

29. Issue notice.

30. 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.

31. Compliance of Order XXXIX Rule 3 of CPC shall be done within ten (10) days from date.

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32. Let the plaint be registered as a suit.

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

34. 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.



35. 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 defendants be filed by the plaintiff, without which the Replication shall not be taken on record.

36. 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.

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

38. List before the Joint Registrar (Judicial) on 08.07.2026 for completion of service and pleadings.

39. List before the Court on 22.09.2026.

TUSHAR RAO GEDELA, J

MARCH 27, 2026

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