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

+ **CS(COMM) 379/2026**

**DAIMLER INDIA COMMERCIAL VEHICLES PVT LTD**

.....Plaintiff

Through: Mr. Pravin Anand, Ms. Vaishali Mittal, Mr. Siddhant Chamola and Mr. Jitesh P. Gupta, Advocates.

versus

**GETMOHIT CAB PRIVATE LIMITED & ORS.**

.....Defendants

Through:

**CORAM:**

**HON'BLE MS. JUSTICE JYOTI SINGH**

**ORDER**

% **10.04.2026**

**I.A. 9766/2026 (Exemption)**

1. Allowed, subject to all just exceptions.
2. Application stands disposed of.

**I.A. 9762/2026, (for pre-institution mediation)**

3. This application is filed on behalf of the Plaintiff under Section 12-A of the Commercial Courts Act, 2015 read with Section 151 CPC seeking exemption from Pre-Institution Mediation.
4. Having regard to the facts of the present case wherein urgent relief is prayed for and in light of the judgment of Supreme Court in *Yamini Manohar v. T.K.D. Keerthi, (2024) 5 SCC 815*, as also Division Bench of this Court in *Chandra Kishore Chaurasia v. RA Perfumery Works Private Ltd., 2022 SCC OnLine Del 3529*, exemption is granted to the Plaintiff from



Pre-Institution Mediation.

5. Application is allowed and disposed of.

**I.A. 9767/2026 (u/S 149 r/w Section 151 CPC)**

6. This application is filed on behalf of the Plaintiff seeking extension of time by seven days for filing the court fees.

7. For the reasons stated in the application, the same is allowed, permitting the Plaintiff to file requisite court fees within a period of seven days from today.

8. Application stands disposed of.

**I.A. 9764/2026, (u/O XI Rule 1 (4) of Commercial Courts Act, 2015 r/w Section 151 CPC)**

9. This application is filed on behalf of the Plaintiff seeking to place on record additional documents.

10. Plaintiff, if it wishes to file additional documents at a later stage, shall do so strictly in accordance with provisions of the Commercial Courts Act, 2015.

11. Application is allowed and disposed of.

**I.A. 9763/2026 (u/O XI Rule 2 CPC)**

12. This application is filed on behalf of the Plaintiff seeking to serve the Defendants with the interrogatories, which are filed along with the application under Order XI Rule 2 CPC as also to direct the Defendants to respond the said interrogatories.

13. Issue notice to the Defendants through all permissible modes, returnable before the learned Joint Registrar on 06.05.2026.

**I.A. 9765/2026, (u/S 151 CPC)**

14. This application is filed on behalf of the Plaintiff for placing on record



certain video(s) and electronic records in a DVD and/or pen drive.

15. For the reasons stated in the application, the same is allowed permitting the Plaintiff to file video(s) and electronic records in a DVD and/or pen drive.

16. Application stands disposed of.

**CS(COMM) 379/2026**

17. Let plaint be registered as a suit.

18. Issue summons to the Defendants through all permissible modes, returnable before the learned Joint Registrar on 06.05.2026.

19. Summons shall state that the Written Statement shall be filed by the Defendants within 30 days from the date of receipt of summons along with affidavit of admission/denial of the documents filed by the Plaintiff.

20. It will be open to the Plaintiff to file replication within 30 days from receipt of the written statement along with affidavit of admission/denial of documents filed by the Defendants.

21. If any of the parties wish to seek inspection of any documents, the same be sought and given the timeline prescribed in Delhi High Court (Original Side) Rules, 2018.

22. Learned Joint Registrar shall carry out admission/denial of documents and marking of exhibits.

**I.A. 9761/2026, (u/O XXXIX Rules 1 and 2 r/w Section 151 CPC)**

23. This application is filed on behalf of the Plaintiff under Order XXXIX Rules 1 and 2 read with Section 151 of CPC for grant of *ex parte* ad interim injunction.

24. Issue notice to the Defendants through all permissible modes, returnable before Court on 22.07.2026.



25. Case of the Plaintiff as set out in the plaint is that Plaintiff is a wholly owned subsidiary of Daimler Truck AG ('Daimler'), which is one of the world's largest commercial vehicle manufacturers and employs more than 100,000 people at more than 40 locations in North America, Europe Asia and Latin America as also numerous sales and service locations in most countries in the world. Daimler's customers enable people to be mobile and get goods to their destinations reliably on time and safely. Daimler provides technologies, products and services for its customers around the world. In its global network, Daimler produces trucks and buses that are marketed under Freightliner, Thomas Built Buses, Western Star, Mercedes-Benz, FUSO, BHARATBENZ , RIZON and Setra brands.

26. It is stated that Daimler has a storied history of more than 125 years and traces its lineage from making world's first motorized bus in 1895 and world's first truck in 1896. Through strategic acquisitions like Freightliner and Western Star Trucks and brand integrations like Setra and FUSO, Daimler has established a strong global presence. Daimler's brand history is closely intertwined with Mercedes-Benz, which was created in 1926 and on 01.02.2022, with the stock market debut of Daimler Truck, the company Daimler was renamed as Mercedes-Benz Group AG. Daimler Buses, the bus division of Daimler, with its numerous National subsidiaries is responsible for global activities of the bus and service brands Mercedes-Benz, Setra, OMNIplus and BusStore. Daimler Buses is one of world's leading full-line provider and has a global service network offering comprehensive services right up to sale of used buses and stands for high-quality and innovative products also sustainable solutions in the field of passenger transport.



27. It is stated that Plaintiff was established in 2008 with the mission of designing and manufacturing commercial vehicles that suit the unique demands of Indian terrain and customers. Operating under the umbrella of Daimler Trucks Asia, Plaintiff is a full-fledged commercial vehicle player in India with brand dedicated to its home market, BHARATBENZ. Plaintiff produces and sells trucks from 10 to 55 tons as also BHARATBENZ buses, Mercedes-Benz coaches and bus chassis. Plaintiff's state-of-the-art manufacturing plant at Oragadam near Chennai spreads over 400 acres including a highly modern test track and is home to company's headquarters, R&D and training operations. With global quality standard in BHARATBENZ, Plaintiff also produces Daimler Trucks' brands of FUSO, Mercedes-Benz, and Freightliner. Other related products and parts are exported to more than 60 markets in Africa, Asia, Latin America and Middle East.

28. It is stated that Plaintiff has a robust presence under the BHARATBENZ trademark/trade name in India for over 2 decades. First unveiled in February 2011, BHARATBENZ celebrated its market launch in September, 2012. In 2015, BHARATBENZ buses were launched and within twelve years of market entry, Plaintiff has delivered over 1,77,500 plus BHARATBENZ trucks and buses to its customers, which is an unprecedented ramp-up in the Indian commercial vehicles industry. BHARATBENZ brand offers a range of ultra-modern trucks in all weight categories from 10 to 55 tones and in addition to its portfolio of trucks, Plaintiff also supplies school and staff buses. These vehicles are specifically tailored for the Indian market. BHARATBENZ trucks and buses are sold and serviced through a pan-Indian network of more than 300 touch points



which is continuously expanded even beyond the tier-2 and tier-3 cities. Designed to meet the needs of diverse industries, BHARATBENZ's extensive range of trucks and buses combines innovative Indian engineering with German DNA. In 2020, BHARATBENZ led the industry by becoming the first brand to introduce BSVI-compliant vehicles, strengthening its commitment to environmental standards and technological advancement.

29. It is stated that trademark BHARATBENZ is a variant of the trademark BENZ, which was adopted and used in 1885 with introduction of the world's first automobile, BENZ Patent Motorwagen by one of the founders of Daimler-Benz, Karl Benz. The car was first driven in public in Mannheim Germany on 03.07.1886 and ever since its inception, the trademark BENZ has been used extensively with various successful variations, such as MERCEDES-BENZ, BHARATBENZ etc., and continues to remain as one of the most well-known and popular brands in the world including India.

30. It is stated that in 1994, in *Daimler Benz Aktiengesellschaft v. Hybo Hindustan (1994 PTC 287)*, trademark BENZ was declared as a well-known trademark under Section 2(zg) of the Trade Marks Act, 1999 ('1999 Act') and Plaintiff belongs to this very 'Daimler' group of companies and is thus beneficiary of goodwill and reputation vested in the goods and services under the mark 'BENZ'. Use of mark BHARATBENZ started in the year 2011, when Plaintiff launched a new brand of vehicles under the name



BHARATBENZ, with a specially designed logo . Plaintiff has also secured numerous registrations in relation to BHARATBENZ word, logo




and device marks in various classes in India, which are valid and subsisting and are as follows:-

S No.	Trademark	Regn. No.	Date of application	Classes	Status
1.	BHARATBENZ	2372855	31.07.2012	4	Registered
2.		2372854	31.07.2012	4	Registered
3.		2372856	31.07.2012	4	Registered
4.	BHARATBENZ	1926524	23.02.2010	12, 37	Registered
5.		2120317	23.03.2011	12, 36, 37	Registered
6.	BHARATBENZ X-POWER	3072777	07.10.2015	12	Registered
7.	BHARATBENZ EXECELLENZ	3072779	07.10.2015	12	Registered
8.	BHARATBENZ INDULGENZ	3072781	07.10.2015	12	Registered
9.	BHARATBENZ RAKSHANA	5192789	29.10.2021	12	Registered
10.	BHARATBENZ RAKSHANA	5192792	29.10.2021	12	Registered
11.	BHARATBENZ FORTIUS	5251229	17.12.2021	12	Registered



12.		2120318	23.03.2011	12, 36, 37	Registered
13.	BHARATBENZ	2162477	20.06.2011	36	Registered
14.	BHARATBENZ RAKSHANA	5192791	29.10.2021	37	Registered



31. It is stated that the mark  is the logo/motif, which is put on the original buses and trucks manufactured and sold by the Plaintiff and is imposed on the front grille of the automobiles as depicted below:-





32. It is stated that various elements of the logo have been meticulously designed and each element has its own significance inasmuch as brand name BHARATBENZ is placed at the centre of the logo and has a bold font style signifying solidity and balance and is symbolic of brand's commitment to serve Indian customers. Upper arc depicts German DNA and the lower arc stands for Indian enterprise and together they reflect a harmonious confluence. Further, an elliptical ring symbolic of Daimler's global leadership encompasses all elements connoting quality, innovation and technology. The laurel wreath, inspired from the Benz logo of 1909, decorates the contours of the solid logo symbolising engineering excellence. The chrome finish adorns the entire unit signifying strength and technology.

33. It is stated that Plaintiff operates a website, created in 2008 and hosted on domain name [www.bharatbenz.com](http://www.bharatbenz.com), where information is provided about the products and services offered by it besides other websites <https://www.daimlertruck.com/en> and <https://asia.daimlertruck.com/>. Due to long-standing, continuous and extensive user of the trademark BHARATBENZ, Plaintiff has acquired immense goodwill and reputation, which is demonstrated by the annual sales figures, which are as follows:-

<b>YEAR</b>	<b>SALES FIGURE [INR Lakhs]</b>
2012	15,530.53
2013	59,156.18
2014	1,36,250.71
2015	2,61,804.94
2016	4,08,144.61
2017	6,660.00
2018	17,090.00
2019	17,020.00
2020	17,060.00
2021	3,140.00
2022	8,35,280.00




34. It is stated that Plaintiff has spent substantial amount of money every year towards promotion, publicity and advertisement of its business under 'BHARATBENZ' and illustratively, promotional expenses incurred by the Plaintiff in the years 2024 and 2025 are Rs. 49,00,00,000/- and Rs. 40,00,00,000/-, respectively. By virtue of registration in the trademark, Plaintiff enjoys the right to exclusive use of BHARATBENZ as also to restrain third parties from infringement. Plaintiff also has common law rights to restrain third parties from passing off their goods as those of the Plaintiff under the trademark BHARATBENZ. Plaintiff has been vigilant in protecting its rights and has issued notices to third parties and also filed law suits when the need arose.

35. It is stated that Defendant No. 1 is a Private Limited Company registered with Registrar of Companies with two Directors, as per MCA website. While Defendant No. 2 is a sole proprietorship of one Mr. Pooran Chand Yadav based at Delhi, Defendant No. 3 trades under the name Shri Bheru Nath Motor Body and is engaged in manufacture and fabrication of buses and bus bodies and its clientele includes companies and organizations that *inter alia* provide transportation services through inter-city bus travel in India. Defendants No. 1 and 2 are also Defendant No. 3's clients and operate passenger bus services using buses manufactured by Defendant No. 3. Defendant No. 4 are unknown entities engaged in manufacture or sale of buses misusing Plaintiff's BHARATBENZ trademark.

36. It is stated that around the end of November, 2025, Plaintiff came across a video on the social media platform X posted on the URL <https://x.com/i/status/1982704099058692479>, showing a third party bus




bearing the mark BHARATBENZ and the  logo on the front grille of the bus, whereas on the steering wheel the bus bore logos and emblems of a completely different bus manufacturer-‘Leyland’. The video further showcased that the bus did not follow safety norms such as having an emergency exit and features like air suspension as also other amenities. The registration number of the bus was AR20 D9003 and it displayed the website [www.getbookbus.com](http://www.getbookbus.com) on its side with text ‘India Tours and Travels’ below the same. Screenshot of the bus is as follows:-



37. It is stated that investigation revealed that Defendant No. 1 is active on websites [www.getbookbus.com](http://www.getbookbus.com) and [www.getbookcab.com](http://www.getbookcab.com), from where it promotes and books buses and solicits business. Investigation further showed that landing page of the website had an image of a bus which had three-star logo associated with Mercedes Benz and the booking page specifically mentioned ‘Bharat Benz’ as a bus type. The website shows that the entity display has an All-India travel base offering online cab rentals. It



was also discovered recently, that Defendants No. 1 and 2 were fraudulently advertising bus booking services under the BHARATBENZ mark and the advertisements are found on online platforms such as Ease My Trip, Make My Trip. Pictorial representation of the buses of the rival parties is as follows:-

<p><b>Plaintiff's genuine BHARATBENZ marks</b></p>	<p><b>Infringing marks on the grille and front portion of the bus operated by Defendant Nos. 1 and 2</b></p>
	
	
<p><b>Plaintiff's genuine BHARATBENZ mark</b></p>	<p><b>Infringing marks on the front portion of the bus operated by Defendant Nos. 1 and 2 and manufactured by Defendant No. 3</b></p>
	

38. Mr. Pravin Anand, learned counsel for the Plaintiff submits that Plaintiff is the registered proprietor of the mark BHARATBENZ in various classes in India and the mark BENZ has been declared as a well-known mark. Plaintiff is thus entitled to exclusive of the mark as also restrain third parties from infringing the same. Defendants No. 1 and 2 are deploying buses manufactured by Defendant No. 3/John Doe(s) that use logo/motif on



the front grille, which is identical/deceptively similar to Plaintiff's BHARATBENZ logo and trademark and is likely to cause confusion amongst consumers, who may believe that there exists a business relationship between the Plaintiff and such third parties and is also leading to dilution and harm to the distinctive character of the trademark BHARATBENZ. Investigations have revealed that Defendants No. 1 and 2 deploy buses, which do not meet the requirements of comfort, quality and other features which are expected from the brand such as BHARATBENZ by members of public who travel in the buses under the belief that they are deployed by the Plaintiff or by other entities who have business association with the Plaintiff. Unauthorized use of Plaintiff's trademark for identical services is causing confusion amongst consumers and amounts to infringement under Section 29 of 1999 Act.

39. It is further urged that Plaintiff enjoys great reputation and goodwill in the market and is known for its luxury and comfort. Defendants are riding on Plaintiff's goodwill by manufacturing and deploying look alike buses using identical or deceptively similar variations of BHARATBENZ misrepresenting to the public that they have an association with the Plaintiff. This is causing irreparable harm to the reputation of the Plaintiff and amounts to passing off by the Defendants. It is also pointed out that the inferior quality of services offered by the Defendants is adding to the harm caused to the Plaintiff and illustratively, Mr. Anand submits that one of the videos on X platform showcases use of BHARATBENZ mark and logo on a bus, which does not emanate from the Plaintiff and is of a poor quality and the video shows strong criticism of the bus as being unsafe and dangerous to passengers and is without suspension mechanism as also that it does not



have an emergency exit, which is tarnishing the image and reputation of the Plaintiff and diluting the mark.

40. Having heard learned counsel for the Plaintiff and upon perusal of the documents, I am of the view that Plaintiff has made out a *prima facie* for grant of *ex parte* ad interim injunction against Defendants No. 1 to 3. Balance of convenience lies in favour of the Plaintiff and it is likely to suffer irreparable harm in case the interim injunction, as prayed for, is not granted.

41. Accordingly, till the next date of hearing, Defendants No. 1 to 3 including John Doe, their proprietors, partners, directors, officers, servants, agents, representatives, distributors, franchisees, affiliates, stockists, transporters and all others acting for and on their behalf are restrained from using, manufacturing, marketing, offering for sale, supplying, deploying, displaying, advertising (in any form) or in any other manner dealing with buses or any other allied and cognate services using the mark



‘BHARATBENZ’, or any other mark, name, logo, label, device, insignia, design or trade dress deceptively similar to Plaintiff’s



registered mark ‘BHARATBENZ’, including device mark , back-end or front-end configuration, amounting to infringement of trademarks and/or passing off.



42. Plaintiff shall comply with the provisions of Order XXXIX Rule 3 CPC within a period of two weeks from today.

**JYOTI SINGH, J**

**APRIL 10, 2026/YA**