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

+ **CS(COMM) 493/2026**

SELECT CITYWALK RETAIL PRIVATE LIMITED & ANR.

.....Plaintiffs

Through: Mr. Kapil Midha, Mr. Garv Singh, Ms. Yadavi Malhotra, Ms. Sindhoora Ravichandran and Ms. Vartika Gautam, Advocates.

versus

GARG REALTECH PRIVATE LIMITED & ANR.Defendants

Through: None.

CORAM:

HON'BLE MR. JUSTICE TUSHAR RAO GEDELA

ORDER

% **08.05.2026**

I.A. 12962/2026 (Pre-Institution Mediation)

1. This is an application filed by the plaintiffs seeking exemption from instituting pre-litigation Mediation under Section 12A of the CC Act.
2. 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.
3. The application stands disposed of.

I.A. 12963/2026 (Exemption from Advance Notice to Defendant)

4. This is an application filed by the plaintiffs under Section 151 of CPC, 1908 seeking exemption from advance service to the defendants.
5. Mr. Kapil Midha, learned counsel for the plaintiffs submits that there is a real and imminent likelihood that the defendants may take immediate steps to dispose of, conceal or suppress its infringing business operations bearing the deceptively similar trademark.



6. In view of the fact that the plaintiff has sought an urgent *ex-parte ad-interim* relief, the exemption from advance service to the defendants is granted.

7. The application is disposed of.

I.A. 12961/2026 (Exemption from filing dim documents etc.)

8. This is an application filed on behalf of the plaintiffs under Section 151 of CPC seeking exemption from filing original/dim/vernacular copies of documents.

9. Exemption allowed, subject to just exceptions. However, original/dim/vernacular copies of documents with proper margins be filed within four weeks with an advance copy to the defendants.

10. The application stands disposed of.

I.A. 12964/2026 (Seeking leave to file lengthy synopsis and list of dates and events)

11. This is an application filed on behalf of the plaintiffs under Section 151 of CPC seeking leave to file lengthy synopsis and list of dates and events.

12. The plaintiff is permitted to file the lengthy synopsis and list of dates and events within four weeks with an advance copy to the defendants.

13. The application stands disposed of.

I.A. 12960/2026 (Order XXXIX Rules 1 & 2, CPC)

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

15. Plaintiffs claim that plaintiff nos. 1 & 2 till May, 2023, were a part of the “SELECT GROUP”, which was formed in 1979 and has successfully ventured into several diverse business verticals including travel, tourism, hospitality, retail private equity and organic farming. Plaintiffs further claim that they are engaged in diversified business areas like development of

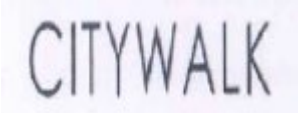



commercial space, organizing events and exhibitions for commercial and advertising purposes, advertising, food courts, organizing of activities for entertainment and cultural purposes, real estate, travel & tourism Industry.

16. Plaintiff claims that the trademark “CITYWALK” is a unique mark, adopted by M/s Select Infrastructure Limited in the year 2004. The plaintiff no.2 had developed a commercial project under the trademark “CITYWALK/SELECT CITYWALK” in October, 2007, which has become an ICON and an industry standard for shopping malls and commercial spaces in India.

17. Plaintiff claims that *vide* an Assignment deed dated 15.07.2022, plaintiff No.1 has acquired all rights, title, and interests in the said Trademark “CITYWALK” and all its different forms and variants, including the goodwill of the business in which the said trademark was used, and the plaintiff no.1 has become the owner of the said trademark “CITYWALK”.

18. Plaintiff claims that it has various registration for the trademarks “CITYWALK/SELECT CITYWALK”, and “CITYWALKER”, as enumerated in para 25 of the plaint and few of them are extracted hereunder:-

S.No.	TRADEMARK	APPLICATION NO.	CLASS	STATUS
1		1296536	37	Registered
2		1445911	37	Registered
3	CITY WALKER	2149390	37	Registered
4	SELECT CITYWALKER	2149396	37	Registered



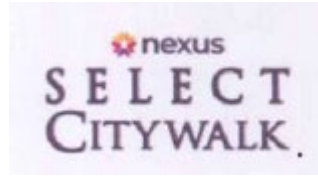
5		2865367	36	Registered
6		1746893	35	Registered
7	PERSONAL SHOPPING @ SELECT CITYWALK	2149400	35	Registered

19. Plaintiffs claim that they have also obtained the registration of their domain name *www.selectcitywalk.com* in the year 2004, which is a fully operational website and provides extensive information about the plaintiff's business under the same mark.

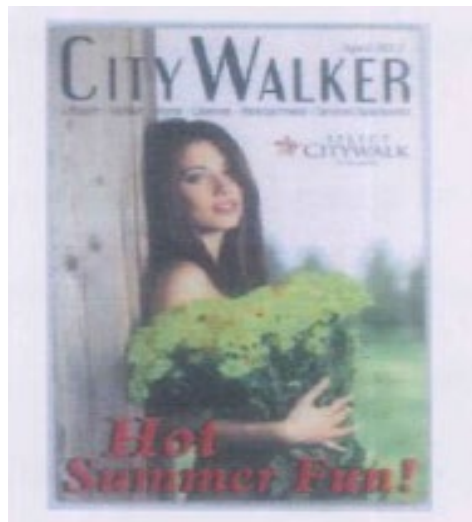
20. Plaintiff claims that a representation of the use of "SELECT CITYWALK/CITYWALK" since 2004 until September, 2023 used by the plaintiffs, with extra emphasis on "CITYWALK" is detailed in para 29 of the plaint, which is extracted hereunder:-




Plaintiff further claims that after September, 2023, it commenced the use of the following logo, besides using "SELECT CITYWALK/CITYWALK" as detailed in para 29 of the plaint and the same is extracted hereunder:-




21. Plaintiff claims that they are also publishing a magazine/newsletter under the name “CITYWALKER” since 2009 to promote the said trademarks. Approximately, around 1.75 lakh copies of the said magazine (monthly issues) are published. The plaintiffs also circulate the magazines to its customers across India. Sample cover page of the “CITYWALKER” magazine as enumerated in para 30 of the plaint are as reproduced hereunder:-



22. Plaintiffs claim that the said shopping mall cum commercial complex under the trademark “CITYWALK/ SELECT CITYWALK/ 


23. Plaintiff claims that the shopping mall cum commercial complex has a wide array of elite customers/brands under the brand/name/ style



“CITYWALK/ SELECT CITYWALK/ ”, some of which include H&M, KAMA, Balenzia, US Polo Association, Louise Philippe, Colorbar and food brands include Masala trail, subway, taco bell etc.

24. The plaintiffs claim to have spent substantial amounts on advertisement and promotion which has been detailed in para 42. In the year 2007-08 the expenses were approximately Rs.2,87,22,061/- while in the year 2024-25 it reached Rs.7,87,33,508/-.


25. Plaintiffs claim to have scaled great heights on account of providing impeccable services under the registered trademark “CITYWALK/ SELECT

CITYWALK/ ” in its field and claims to have enormous recognition and innumerable awards as enumerated in para 44 of the plaint.

26. Plaintiffs claim to have acquired tremendous reputation and enviable goodwill and have attained the status of well-known trademark within the meaning under Section 2(1)(zg) of the Trade Marks Act, 1999.


27. Plaintiff claims that it came across a trademark application filed by the

defendants for the trademark “GLOBAL CITYWALK/  /


” in Class 36 on 09.03.2023 *vide* application bearing no.5841235 on a “proposed to be used basis”. In the said application, an examination report dated 28.08.2023 has been issued by the Trade Marks Registry and they objected to the registration of defendant’s mark under Class 36, which is still pending for adjudication.

28. Plaintiff claims that it has sent a legal notice dated 20.02.2026 to the defendants seeking them to refrain from using the trademark “GLOBAL




CITYWALK// ”. The defendants vide the letter dated 24.02.2026 refused to stop using the trademark “CITYWALK”.


29. Plaintiff claims that the defendants purchased the domain name *www.globalcitywalk.com* on 02.03.2026 and started advertising its services

under the trademark “GLOBAL CITYWALK// ” on the said website.

30. Plaintiff further states that the defendants claims to be launching a

project under the trademark “GLOBAL CITYWALK//

”, wherein they claim to be providing high street retail development including commercial shops, service apartments, shopping mall etc. The defendants have only used the said mark by promoting the same on their website an social media platforms and the defendants have not commenced the actual use under the said mark “GLOBAL CITYWALK/

/ ”. As per the UP RERA portal, the said project is to be completed by 30.06.2027.

31. Predicated on the above, the plaintiffs seek an *ex-parte ad-interim* injunction.

32. Heard Mr. Kapil Midha, learned counsel for the plaintiff and perused the documents and pleadings on record.



33. The comparison table of the plaintiff's mark and the defendant's mark enumerated in the plaintiff is extracted hereunder:

Plaintiffs' Trade Mark	Defendant's Mark
CITYWALK	GLOBAL CITYWALK
CITYWALK	
CITY WALKER	

34. A comparison of the competing marks leaves no manner of doubt as to the deceptive similarity between the two. The plaintiffs' mark "CITYWALK/SELECT CITYWALK" is a coined and distinctive mark, which has been in use since 2004 and has come to be exclusively associated with the plaintiffs' commercial real estate and retail business in the minds of the public. The defendants' mark "GLOBAL CITYWALK" wholly incorporates the plaintiffs' registered trademark "CITYWALK" as its essential and dominant feature, with the only addition being the house mark "GLOBAL" as a prefix. The visual, phonetic and conceptual similarity between the two marks is apparent, and a consumer of average intelligence and imperfect recollection, upon encountering the defendants' mark "GLOBAL CITYWALK", is likely to be misled into believing that the defendants' project is associated with, affiliated to, or endorsed by the



plaintiffs.

35. Having heard learned counsel for the plaintiffs, this Court is of the *prima facie* view that the plaintiffs have established a strong case in their favour. The trademark “CITYWALK/SELECT CITYWALK” has been in continuous and extensive use since 2004, is the subject of multiple registered trademarks across several classes, and has acquired tremendous goodwill, reputation. The defendants’ use of the deceptively similar mark “GLOBAL CITYWALK” in relation to a real estate project, which is stated to be nearing completion by July, 2026, is likely to cause confusion and deception in the minds of the public and is *prima facie* an act of infringement and passing off. It is further relevant to note that the defendants are engaged in the same field of business, namely development of commercial real estate and related activities. The balance of convenience also tilts in favour of the plaintiffs, inasmuch as the plaintiffs stand to suffer irreparable loss, injury and prejudice to their reputation and goodwill built over two decades, which cannot be adequately compensated in monetary terms, if the injunction prayed for is not granted at this stage.


36. Accordingly, the following directions are passed:

- a. Defendants, directors/promoters as the case may be its servants, agents, franchisees or any one acting for and on its behalf in any manner are restrained from using the mark/name “GLOBAL CITYWALK/



” and/or “CITYWALK” or any other mark either as

a trade mark, service mark, trading style, trade name, logo, key word, meta tag, hashtag, domain name, or in any other manner, identical or deceptively similar to the plaintiff’s mark “CITYWALK/SELECT

CITYWALK/  in relation to any goods or services in printed



and/or in any other media, electronic online version or digital form or in any other form whatsoever.

- b. Defendants, directors/promoters as the case maybe, servants, agents, franchisees or any one acting for and on its behalf are restrained from registering any further domain names containing the word “CITYWALK” or “GLOBAL CITYWALK” and from further restraining the defendants from using the domain names *www.globalcitywalk.com* or any other domain names with the identical or deceptively similar to plaintiff’s trademark “CITYWALK”.

37. Issue notice.

38. 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.

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

CS(COMM) 493/2026

40. Let the plaint be registered as a suit.

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

42. 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 plaintiffs, without which the Written Statement shall not be taken on record.

43. Liberty is granted to the plaintiffs to file Replication, if any, within 30 days from the receipt of the Written Statement. Along with the Replication filed by the plaintiffs, an Affidavit of Admission/Denial of the documents of defendants be filed by the plaintiffs, without which the Replication shall not



be taken on record.

44. 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.

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

46. List before the Joint Registrar (Judicial) on 06.08.2026 for completion of service and pleadings.

47. List before the Court on 15.10.2026.

TUSHAR RAO GEDELA, J

MAY 8, 2026

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