

IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
ORDINARY ORIGINAL CIVIL JURISDICTION  
INTERIM APPLICATION (L)NO.12432 OF 2026  
IN  
COMMERCIAL IP SUIT (L) NO.12303 OF 2026

Kamats Worldwide Food Services Pvt Ltd ...Applicant.

Versus

Musa Bhai Nadaf ...Respondent.

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Mr Pranshul Dube a/w Haseena Khan and Amit Kukreja for the Applicant.

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**CORAM : ADVAIT M. SETHNA &**

**DATE : 13 MAY 2026  
(VACATION COURT)**

**P.C.:**

1. The Applicant/Plaintiff before this Court is 'Kamats Worldwide Food Services Private Limited'. The Interim Application preferred in the present suit is seeking for an order of injunction restraining the Defendant from using the impunged registered Trademark 'KRANTI KAMAT' by the Defendant and/or any other mark containing the word 'KAMAT' and or any other mark which is identical or similar to the Applicant's/Plaintiff's Trademark 'KAMATS' in any manner whatsoever, so as to infringe upon the Applicant's/Plaintiff's Trademark 'KAMATS' registered under No.1545797 in class 42 and No.2986229 in class 43, respectively.

2. The learned Counsel for the Applicant/Plaintiff has drawn the Court's attention at the outset, to the fact that the said mark 'KAMATS' is in use since 13.01.1986. This is evident from the document at Exh.H which is a part of the Trademark Application No.1545797.

3. The said mark is a registered mark which is duly registered in classes 42 and 43 by registration granted on 02.04.2007 and renewed from time to time. Such renewal of registration is valid until date.

4. The learned Counsel for the Applicant/Plaintiff has taken this Court through various photographs which are annexed to the Plaint. This would clearly depict the manner in which the mark 'KRANTI KAMAT' of the Defendant is portrayed and displayed on the Defendant's restaurants/services.

5. The Learned Counsel would then draw this Court's attention to Exh. Q annexed to the Plaint which portrays use of similar mark 'KRANTI KAMAT' used by the Defendant in relation to a Restaurant which defendant runs under such name/mark.

6. The learned Counsel for the Applicant/Plaintiff submits that the business of the Applicant/Plaintiff is severely jeopardized by Defendant's use of the Plaintiff's mark which is evident from the reviews which are annexed at pages 122 onwards. This would, prima facie, indicate that there is a likelihood of confusion which is created in the mind of the consumers due to the similarity of the mark 'KRANTI KAMAT' used by the

Defendant. Pertinent it is to note that the word 'KAMAT' forms the essential and pivotal feature of the Applicant's/Plaintiff's registered trade mark 'KAMATS'.

7. The learned Counsel for the Applicant/Plaintiff has also relied on the order dated 16.06.2025 passed by this Court in Interim Application (L) 16688 of 2025 in Commercial IP Suit (L) No.16598 of 2025, in ***Kamats Worldwide Food Services Private Limited Vs. Amol Ashok Ugale.*** In similar circumstances, the Court has passed an ex-parte order granting ad-interim reliefs to the same Petitioner who also is before this Court today, under similar facts and circumstances.

8. In the prima facie view of this Court, the Applicant/Plaintiff has been able to demonstrate a prima facie case and also a balance of convenience which clearly tilts in favour of the Applicant/Plaintiff. If the ad-interim reliefs are not granted in the given factual complexion, in prima facie view of the Court, irreparable injury would be caused to the Plaintiff who has been using the registered mark 'KAMATS'.

9. It is pertinent to note that the Defendant has never even applied for registration of the mark 'KRANTI KAMAT' which is clearly stated/averred in para 24 of the Plaint.

10. The Court, prima facie finds merit in the Plaintiff's contention that the mark 'KRANTI KAMAT' used by the Defendant, being almost similar to the Plaintiff's mark 'KAMATS' has caused immense harm to the

goodwill and reputation of the Plaintiff's mark 'KAMATS', which the consumers have been associating with the said Restaurant/eatary. The use of the mark 'KRANTI KAMAT' by the Defendant may create likelihood of confusion which, prima facie, cannot be ruled out. The use of the word 'KAMAT' by the Defendant in their mark 'KRANTI KAMAT' not only depicts similarity but also, prima facie, shows that the Plaintiff's registered trade mark 'KAMATS' is being replecated so as to create an association with the Plaintiff's registered trade mark 'KAMATS' by the Defendant. This also, in our prima facie view, warrants grant of urgent ad-interim protection to the Plaintiff/Applicant at this stage.

**11.** Considering all the above, the Court grants an *ex-parte ad-interim relief* in terms of prayer clause (a) of the Application which reads thus:

*“(a) The Defendent by itself, and/or its partners and/or proprietor and/or servants and/or agents and/or officers and/or under such Defendants, be restrained by order and injunction of this Hon’ble Court from in any manner using the impugned mark ‘KRANTI KAMAT’ and or/any other mark containing the word ‘KAMAT’and or any other mark which is identical or similar to the Plaintiff’s Trademark ‘KAMATS’ in any manner whatsoever, so as to infringe upon the Plaintiff’s Trademark ‘KAMATS’ registered under No.1545797 in class 42 and No.2986229 in class 43.”*

**12.** The learned Counsel for the Applicant/Plaintiff has submitted that, at this stage he would not press for other prayer clauses from (b) onwards.

It is made clear that the order passed is an ad-interim order only in terms of prayer clause (a).

**13.** List the proceedings on **16 June 2026**. Copies of the same shall be served by the Applicant/Plaintiff on the Defendant, in advance, prior to the next date.

**14.** All concerned to act on an authenticated copy of this order.

[ADVAIT M. SETHNA, J.]