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

+ CS(COMM) 656/2026

SHUBHAM GOLDIEE MASALE PVT. LTD.Plaintiff

Through: Mr. Rishi Bansal and Ms. Shruti
Manchanda, Advs.

versus

ASHOK KUMAR & ORS.Defendants

Through: None.

CORAM:

HON'BLE MR. JUSTICE SAURABH BANERJEE

ORDER

% **01.06.2026**

I.A. 15953/2026 (Section 148 and 149 CPC, 1908)

1. By virtue of the present application, the plaintiff seeks extension of time for filing the deficient court fee.
2. Learned counsel for the plaintiff submits that since the deficient court fees has already been filed, the present application has become infructuous.
3. Accordingly, the present application is disposed of.

I.A. 15951/2026 (Section 12A CCA, 2015)

4. By virtue of the present application, the plaintiff seeks exemption from instituting pre-litigation mediation.
5. Considering the averments made therein as also since the plaintiff is seeking an *ad-interim* relief, in view of the judgments passed by the Hon'ble Supreme Court in *Yamini Manohar v. T.K.D. Krithi* 2024 (5) SCC 815 and followed by a Division Bench of this Court in *Chandra Kishore Chaurasia vs. R. A. Perfumery Works Private Limited* 2022:DHC:4454-DB, the plaintiff is exempted from instituting pre-litigation mediation.

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6. Accordingly, the present application is allowed and disposed of.

I.A. 15952/2026 (for exemption)

7. Allowed, subject to all just exceptions.

8. The application is disposed of.

I.A. 15950/2026 (exemption from effecting advance service)

9. By virtue of the present application, the plaintiff seeks exemption from effecting advance service upon the defendants.

10. Learned counsel for the plaintiff submits that considering the position involved, particularly since the plaintiff is seeking an *ad-interim* relief, an exemption from effecting advance service is necessary.

11. Therefore, for the reasons stated in the application as also taking into account the aforesaid factors and in the interest of justice, the plaintiff is granted exemption from effecting advance service upon the defendants.

12. Accordingly, the present application is allowed and disposed of.

I.A. 15949/2026 (for additional documents)

13. By virtue of the present application, the plaintiff seeks leave to file additional documents at a belated stage.

14. For the reasons stated in the present application, the present application is allowed and the petitioner is granted liberty to file additional documents at a later stage, *albeit*, strictly as per the provisions of the Commercial Courts Act, 2015 and Delhi High Court (Original Side) Rules, 2018.

15. Accordingly, the present application is allowed and disposed of.

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16. By virtue of the present plaint, the plaintiff seeks grant of a decree of permanent injunction for infringement of plaintiff's trademarks,



copyrights and artistic works, passing off, unauthorised usage of domain name and damages.

17. Let the plaint be registered as a suit.

18. Upon filing of the process fee, issue summons of the suit to the defendants through all permissible modes returnable before the learned Joint Registrar on 05.08.2026.

19. The summons shall state that the written statement(s) be filed by the defendants within a period of *thirty days* from the date of the receipt of the summons. Written statement(s) be filed by the defendants along with affidavit(s) of admission/ denial of documents of the plaintiffs, without which the written statement(s) shall not be taken on record.

20. Replication(s) thereto, if any, be filed by the plaintiff within a period of *fifteen days* from the date of receipt of written statement(s). The said replication(s), if any, shall be accompanied by with affidavit(s) of admission/ denial of documents filed by the defendants, without which the replication(s) shall not be taken on record within the aforesaid period of *fifteen days*.

21. If any of the parties wish to seek inspection of any document(s), the same shall be sought and given within the requisite timelines.

22. List before the learned Joint Registrar for marking exhibits of documents on 05.08.2026. It is made clear that if any party unjustifiably denies any document(s), then it would be liable to be burdened with costs.

23. List before the Roster Bench on 22.09.2026.

I.A. 15948/2026 (*Order XXXIX rule 1 & 2 CPC, 1908: Stay*)

24. By virtue of the present application, under *Order XXXIX Rules 1 & 2* of the CPC, the plaintiff seeks grant of an injunction for infringement of



its trademarks, copyrights and artistic works against the defendant no.1.

25. As per pleadings, the plaintiff herein is a company incorporated and registered under the Companies Act, 1956, engaged in the business of manufacturing and marketing a wide range of food products for human consumption including spices and other allied goods. The plaintiff is

proprietor of the trademarks GOLDIEE, , ,

, ,  and other GOLDIEE

formative marks in India. The word GOLDIEE is a house mark also forming a part of the plaintiff's trade name.

26. For carrying on with its business activities, the plaintiff's predecessor adopted the GOLDIEE trademarks. The earliest registrations of the same being in the year 1980, which are being continuously and uninterruptedly used by it till date. In fact, the plaintiff has also, upon application, been granted registration for the said trademarks and its variations in India under Class(es) 3, 5, 29, 30, 31, 32, 35, 39 and 43 as enumerated at *paragraph 5* of the plaint. In fact, the plaintiff has also been granted registrations in various foreign jurisdiction being Bangladesh, Canada, Europe, Sri Lanka, USA, Pakistan and Nepal. Furthermore, the artistic work comprised in the plaintiff's trademarks/ labels/ formative marks are original artistic works, of which the plaintiff is the owner and proprietor under the Copyright Act, 1957.

27. The plaintiff's mark 'GOLDIEE' has been recognized as a "well-known trademark" under the Trade Marks Act, 1999 as per the list of well-



known marks published by the Trade Marks Registry and was advertised in Journal No. 2159 dated 03.06.2024 at Serial No. 331.

28. The plaintiff has been making significant investments *qua* advertising its products under the said trademarks and generated considerable income. The plaintiff also maintains an extensive online presence through its websites namely *www.goldiee.com* and *www.goldieeonlinestore.com*. Additionally, the plaintiff's products are available for purchase on the e-commerce platforms like Amazon, Flipkart, Jiomart, etc.

29. The plaintiff is also the registered proprietor of the trademarks and device marks 'ONE ONE' in class(es) 29, 30, 32 and 'GOLDIEE ONE ONE NOODLES', which are being continuously and uninterruptedly used by it since the year 2013.

30. It was around third week of May, 2026 that the plaintiff became aware of the website/ domain namely *https://goldeeejkskksnewmasala.live/* (*impugned website*) operated by defendant no.1 who is an unidentified entity/ *john doe*, by virtue of a complaint/ email from one Mr. Anil Kumar with a subject line '*This investment website belongs to Goldee Masala or it's fake*'. Thereafter, the plaintiff also received several telephonic complaints and queries enquiring about the said impugned website. Upon verification, it was discovered that the impugned website is operating an unauthorised and fraudulent online scheme involving registration mechanisms, recharge/ payment facilities, earning representations, daily income schemes, VIP income structures and withdrawal options.

31. The impugned website is registered through the defendant no.2 namely DYNADOT INC., a Domain Name Registrar (DNR). Further, the



defendant no.3 namely CLOUDFLARE INC., a Web Hosting Service Provider (WHSP) provides proxy/ privacy related services *qua* the impugned website. Thus, defendant nos.2 and 3 have been arrayed as parties to ensure execution of the relief of blocking and/ or taking down of rogue impugned website sought by the plaintiff.

32. The Department of Telecommunications (DoT) and the Ministry of Electronics and Information Technology (MEITY) have also been arrayed as defendant nos.4 and 5 respectively, for the purposes of assistance and ensuring compliance with any orders that may be passed by this Court.

33. Since the defendant no.1 is still continuing with the usage of the impugned website wherein the plaintiff's trademarks/ labels/ copyrights are being widely displayed, the plaintiff has instituted the captioned suit against the defendants wherein the present application has been filed.

34. This Court has heard the submissions advanced by learned counsel for the plaintiff and gone through the pleadings as also perused the documents on record.

35. The marks of both the parties involved, the screenshots, the adoption of a domain name encompassing the plaintiff's trademark GOLDIEE by the defendant no.1 for its website, the manner of usage of the plaintiff's trademarks GOLDIEE and ONE ONE, packaging, labels, artistic works, distinctive mascot/ device character by the defendant no.1, use of branding material without obtaining any prior permission thereto, the similarity it is trying to build with the plaintiff *prima facie* reflect that the defendant no.1 is clearly attempting to ride upon the goodwill of the plaintiff for creating a confusion/ deception amongst the general public to induce them and show its association with the plaintiff.



36. In fact, on its website, the general public are making payments and participating in the activities available on the impugned website and use facilities of recharge/ payment, withdrawal, etc. The defendant no.1 is *prime facie* guilty of phishing and cyber fraud.

37. In view of the aforesaid, the plaintiff has been able to make out a *prima facie* case in its favour, and the *balance of convenience* and probabilities also tilt in its favour for grant of an *ex parte ad interim* injunction in its favour and against the defendant no.1. Therefore, allowing the defendant no.1 to continue using the 'GOLDIEE', 'ONE ONE' and 'GOLDIEE ONE ONE NOODLES' marks of the plaintiff is prone to cause *irreparable harm, loss and injury* to it.

38. Accordingly, in view of the aforesaid, as also keeping in mind the existing position of law, till the next date of hearing:

a) Defendant no.1, its proprietors, directors, partners, affiliates, agents, representatives and all others acting for and on its behalf are restrained from using, displaying, reproducing, hosting, operating or otherwise dealing with the trademarks/ labels 'GOLDIEE', 'ONE ONE', 'GOLDIEE ONE ONE NOODLES', the plaintiffs mascot/ device marks, packaging, labels, artistic works, trade dress or any deceptively similar marks/ artistic works in relation to the impugned website or any other online platform/ domain name amounting to infringement, passing off, dilution or unauthorized association with the plaintiff;

b) Defendant nos.2 and 3 being DNR and WHSP namely 'DYNADOT INC' and 'CLOUDFLARE INC.' are directed to block and suspend the impugned website



<https://goldeejkskksnewmasala.live/> within 72 hours, after being supplied with a copy of this order by the learned counsel for the plaintiff;

c) Defendant nos.2 and 3 are also directed to preserve all domain registration records, KYC details, server logs, payment records and related electronic material pertaining to the impugned website <https://goldeejkskksnewmasala.live/>.

d) Defendant nos.4 and 5 shall take steps to ensure that defendant nos.2 and 3, being the DNR and WHSP, comply with the aforesaid directions, through appropriate communications and notices sent to the said DNR and WHSP which are registered with them.

39. Upon the plaintiff taking requisite steps within a period of *one week*, issue notice to defendants through all permissible modes returnable before the learned Joint Registrar on 05.08.2026.

40. Reply, if any, be filed within a period of *four weeks* from the date of service. Rejoinder thereto, if any, be filed within a period of *two weeks* thereafter.

41. The provisions of *Order XXXIX Rule 3 CPC* be complied forthwith.

42. List before the Roster Bench on 22.09.2026.

**SAURABH BANERJEE, J
(VACATION JUDGE)**

JUNE 1, 2026/bh/DA