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\* **IN THE HIGH COURT OF DELHI AT NEW DELHI**  
+ CS(COMM) 671/2026

GEMINI EDIBLES AND FATS INDIA LTD .....Plaintiff

Through: Ms. Shikha Sachdeva, Ms. Mugdha  
Palsule and Mr. Shashank Suresh and  
Ms. Annie Jacob, Advocates.

versus

MR CHEGU VASUDEVA SIVA KUMAR & ORS. ....Defendants

Through:

**CORAM:**

**HON'BLE MR. JUSTICE ANUP JAIRAM BHAMBHANI**

**ORDER**

% **01.07.2026**

**I.A. 16192/2026 (exemption from filing original documents)**

Exemption granted, subject to just exceptions.

Let requisite compliances be made within 01 week.

The application stands disposed of.

**I.A. 16190/2026 (for filing of additional documents)**

By way of the present application filed under Order XI Rule 1(4) read with section 151 of the Code of Civil Procedure 1908 ('CPC'), the plaintiff seeks leave to file additional documents.

2. For the reasons stated in the application, which is duly supported by affidavit, the application is allowed.
3. The plaintiff is permitted to file additional documents within 30 days.
4. Application stands disposed-of.

**I.A. 16191/2026 (exemption from pre-institution mediation)**

5. By way of the present application filed under section 12A(1) of Commercial Courts Act, 2015 read with section 151 of the CPC, the



plaintiff seeks exemption from attempting pre-litigation mediation and settlement.

6. Having regard to the facts and circumstances of the present case, and in light of the judgment of the Supreme Court in *Yamini Manohar vs. T.K.D. Keerthi*<sup>1</sup> and of a Division Bench of this court in *Chandra Kishore Chaurasia vs. R A Perfumery Works (P) Ltd.*<sup>2</sup>, the plaintiff is exempted from attempting pre-litigation mediation.
7. The application stands disposed-of.

**CS(COMM) 671/2026**

8. By way of the present plaint, the plaintiff seeks permanent and mandatory injunction restraining the defendants from infringement of its intellectual property rights, including its trademark and trade-dress in relation to edible oils.
9. Upon a *prima-facie* conspectus of the matter, let the plaint be registered as a suit.
10. Issue summons in the suit.
11. Upon the plaintiff taking requisite steps within 10 days, let summons be sent to the defendants by all permissible modes, returnable for the next date before the learned Joint Registrar.
12. Let the summons indicate that the defendants are required to file written statement to the plaint within 30 days from the date of receipt of summons, alongwith affidavit of admission/denial of the documents filed by the plaintiff. The plaintiff may file replication to

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<sup>1</sup> (2024) 5 SCC 815

<sup>2</sup> 2022 SCC OnLine Del 3529



the written statement within 30 days thereafter, alongwith affidavit of admission/denial of the documents filed by defendants.




13. List before the learned Joint Registrar for completion of pleadings, for admission/denial of documents and marking of exhibits on 25<sup>th</sup> September 2026.
14. List before court thereafter.

**I.A. 16189/2026 (for *ex-parte ad-interim* injunction)**

15. By way of the present application filed under Order XXXIX Rules 1 & 2 of the CPC, the plaintiff seeks the following interim reliefs :

- A. An *ex-parte ad-interim* injunction and an interim injunction against the Defendants, its directors, principals, proprietors, partners, officers, employees, agents, distributors, suppliers, affiliates, subsidiaries, franchisees, licensees, representatives, group companies and assignees be restraining them from:
  - i. using, offering its goods and/or services, marketing and advertising its business and/or allowing or permitting third parties to use, market and/or advertise the trade



mark/ trade dress “ / ” and/or any other trade mark/ trade dress or name identical and/or similar to the Plaintiff’s trade marks “FREEDOM / ” and its variants either as a trade mark, trade dress, trade name, corporate name, domain name, social media handles or part thereof and/or in any other manner whatsoever so as to infringe the registered trade marks of the Plaintiff and/or any part thereof;

- ii. using, offering its goods and/or services, marketing and advertising its business and/or allowing or permitting third parties to use, market and/or advertise the trade

mark/ trade dress “ / ” and/or any other trade mark, trade dress or name identical and/or similar to the Plaintiff’s trade mark “FREEDOM /



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” and its variants either as a trade mark, trade dress, trade name, corporate name, domain name, social media handles or part thereof and/or in any other manner whatsoever so as to pass off its goods and/or services as and for the goods/services of the Plaintiff; and

- iii. using, offering its goods and/or services, marketing and advertising its business and/or allowing or permitting third parties to use, market and/or advertise the distinctive device for representing the trade mark “FREEDOM” and/or any other trade mark, trade dress or name identical and/or similar to the Plaintiff’s trade mark

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“FREEDOM / ” and its variants either as a trade mark, trade name, trade dress, corporate name, domain name, social media handles or part thereof and/or in any other manner whatsoever so as to infringe the copyright of the Plaintiff.

- B. The Defendants, including its directors, principals, proprietors, partners, officers, employees, agents, distributors, suppliers, affiliates, subsidiaries, franchisees, licensees, representatives, group companies and assignees be ordered by




a *ad-interim* mandatory injunction directing that they at their own expense:

- i. recall all the products/merchandise/packaging and marketing, promotional and/or advertising materials that bear or incorporate the impugned trade mark/ trade dress




” or any other mark identical and/or deceptively similar to the Plaintiff’s registered

and/or unregistered “FREEDOM /  ” trade marks/ trade dress and/or its variants, which have been manufactured, distributed, offered for sale or sold by it;



- ii. deliver to the Plaintiff’s attorneys or representatives for destruction all products, labels, signs, prints, packages, receptacles, advertisements and moulds in its possession or under its control, bearing the impugned trade mark/



trade dress " / " or any other trade mark/ trade dress deceptively similar to the Plaintiff's

registered trade marks "FREEDOM / " and/or its variants, which has been manufactured, distributed, offered for sale or sold by it;

- iii. provide a complete discovery of any and all documents (including packaging material) and information relating to any and all transactions concerning the marketing and sale of its impugned goods offered for sale under the impugned trade mark/ trade dress "FREELITE /

 / " including full particulars of all parties to whom the Defendants have offered and/or offers these impugned goods in India and/or abroad in any other manner whatsoever;




- iv. remove all references of the impugned trade mark/ trade dress from all third-party websites where the Defendants' goods and/or services are sold, offered for sale, promoted and/or advertised under the impugned trade mark/ trade

dress "FREELITE /  /  " and/or any other trade mark/ trade dress identical/deceptively similar to the Plaintiff's trade marks; and

- v. discontinue and transfer any websites/domain names and provide to the Plaintiff a full and fair disclosure of all websites/domain names obtained by the Defendants which are similar and/or contains the Plaintiff's trade

mark "FREEDOM /  ".

- vi. Withdraw the impugned trade mark " " bearing application no. 5034518 in Class 29 and disclose to the Plaintiff any trade mark and/or copyright



applications/registrations for the impugned trade mark and/or any other trade mark made by them which is identical and/or deceptively similar to the Plaintiff's trade marks.

- C. Costs of the application be awarded to the Plaintiff; and
- D. Any other relief(s) which this Hon'ble Court thinks fit and proper in the circumstances of the case be allowed in favor of the Plaintiff and against the Defendants.

16. Ms. Shikha Sachdeva, learned counsel for the plaintiff draws attention to the documents filed alongwith the plaint listing-out the various trade mark registrations that the plaintiff holds in relation to Refined Sunflower Oil.
17. Counsel submits, that as set-out in the plaint, the plaintiff is the registered owner of the trade mark 'FREEDOM' alongwith the trade dress in relation to edible oils, namely, sunflower oil, rice bran oil, kachi ghani mustard oil and groundnut oil. She submits, that though the plaintiff has so far learned only of the misuse of the trade mark and trade dress in relation to sunflower oil, it is verily believed that the defendants may also be infringing the plaintiff's intellectual property in relation to other types of edible oil.
18. Issue notice.



19. Upon the plaintiff taking steps, let notice be sent to the defendants, by all permissible modes, returnable for the next date before the learned Joint Registrar.
20. Let the notice indicate that reply to the application be filed within 30 days of service; rejoinder thereto, if any, be filed within 30 days thereafter; with copies to the opposing counsel.
21. Considering the plaintiff's trademark and trade-dress in relation to sunflower oil as set-out in the plaint, on a first blush look, it appears that the trademark and trade-dress employed by the defendants in relation to sunflower oil is deceptively similar to that of the plaintiff's, and would lead the common consumer, with average intelligence, and imperfect recollection to mistake the defendants' product for that of the plaintiff's.
22. This court is accordingly satisfied that the plaintiff has made-out a *prima-facie* case of infringement by the defendants of the plaintiff's trade mark and trade dress in relation to 'sunflower oil' as referred-to above.
23. In view of the above, the balance of convenience also lies in favour of the plaintiff and against the defendants; and it would appear that irreparable loss and injury would be caused to the plaintiff if the injunction as prayed-for is not granted.
24. Accordingly, on a *prima-facie* view of the matter an *ad-interim* order of injunction is passed in favour of the plaintiff and against the defendants *in terms of prayer 'A' (i), (ii) and (iii)*, as extracted above, till the next date of hearing.



25. List before the learned Joint Registrar for completion of pleadings on 25<sup>th</sup> September 2026.
26. List before court after completion of pleadings in this application.

**ANUP JAIRAM BHAMBHANI, J**

**JULY 1, 2026**  
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