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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ CS(COMM) 684/2026

EASTMAN AUTO AND POWER LIMITEDPlaintiff

Through: Mr. Gaurav H. Sethi, Mr. Rahul
Kapoor and Mr. Rahul Pawar,
Advocates.

versus

M/S HIND ENTERPRISES & ANR.Defendants

Through:

CORAM:

HON'BLE MR. JUSTICE ANUP JAIRAM BHAMBHANI

ORDER

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03.07.2026

I.A. 16604/2026 (exemption)

I.A. 16603/2026 (exemption)

Exemptions granted, subject to just exceptions.

Let requisite compliances be made within 01 week.

The applications stand disposed-of.

I.A. 16602/2026 (exemption from pre-litigation mediation)

2. By way of the present application filed under section 12A of Commercial Courts Act, 2015 read with section 151 of the Code of Civil Procedure 1908 ('CPC'), the plaintiff seeks exemption from attempting pre-litigation mediation.
3. 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*¹ and of a Division Bench of this court in *Chandra*

¹ (2024) 5 SCC 815



*Kishore Chaurasia vs. R A Perfumery Works (P) Ltd.*², the plaintiff is exempted from attempting pre-litigation mediation.

4. The application stands disposed-of.

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5. By way of the present plaint, the plaintiff *inter-alia* seeks a decree of permanent injunction restraining the defendants from infringing/passing off the plaintiff's trademark, wordmark and device mark "EASTMAN" and its variations.
6. Upon a *prima-facie* conspectus of the matter, let the plaint be registered as a suit.
7. Issue summons on the suit.
8. 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.
9. 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 the written statement within 30 days thereafter, alongwith affidavit of admission/denial of the documents filed by defendants.
10. List before the learned Joint Registrar for completion of pleadings, for admission/denial of documents and marking of exhibits on 24th September 2026.
11. List before court thereafter.

² 2022 SCC OnLine Del 3529




I.A. 16601/2026

12. By way of the present application filed under Order XXXIX Rules 1 & 2 read with section 151 of the CPC, the plaintiff/applicant seeks an *ad-interim* injunction against the defendant from using the trademark “EASTHRON”. The relief, as prayed-for by the applicant, is reproduced hereinbelow:




PRAYER:

It is, therefore, most humbly prayed that this Hon'ble Court, pending disposal of the Application, be pleased to:




(a) Grant an ad-interim injunction in favour of the Applicant and against the Defendants restraining the Defendants by themselves, their servants, partners and agents from using or attempting to use or asserting any right to use or importing or exporting or applying to register or to maintain the applications, or to register any of the



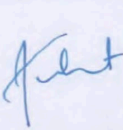

trademarks “EASTHRON / ”or any other trade mark similar to Applicant’s trademark EASTMAN/

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or in any other manner whatsoever infringing and passing off the Applicant’s registered and well-known trademark EASTMAN/

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or in violation of any other rights in any other the registered trademark of the Applicant;



(b) Grant orders in terms of prayer (a) hereinabove ex-parte; and

(c) Pass such other and further orders as the Hon'ble Court may deem fit and proper in the facts and circumstances of the case.


For Eastman Auto & Powe Authorized Signatory
For Applicant
Authorized Signatory

13. The plaintiff is stated to be one of the leading battery manufacturers in India, with its retail and institutional clients across about 30 countries. The plaintiff is also stated to have 03 manufacturing plants in India and an annual turnover of about Rs. 3,550.93 crores.
14. The plaintiff's grievance is that defendant No.1, who is based out of Haridwar, Uttarakhand and is engaged in the business of selling batteries is using a deceptively similar mark "EASTHRON" and a substantially identical trade-dress as that of the plaintiff, as detailed in the plaint and the documents filed along therewith. Defendant No.2 is stated to be an entity based out of Guwahati, Assam that prints and produces the labels and the packaging used by defendant No.1.
15. Issue notice.
16. 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.
17. 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.



18. On a first blush reading of the averments as set-out in the plaint and in the application, and considering defendant No.1's use of the trademark, wordmark and trade-dress, this court is of the view that the defendant's use of the trademark, wordmark and trade dress "EASTHRON" appears to be deceptively similar to the trademark, wordmark and trade dress "EASTMAN" as used by the plaintiff.
19. Accordingly, in the opinion of this court, the plaintiff has made-out a *prima facie* case in its favour and against the defendants. Furthermore, considering the facts obtaining in the matter, the balance of convenience also lies in favour of the plaintiff and irreparable harm and injury would result to the plaintiff if the interim relief sought is not granted.
20. Consequently, an *ex-parte ad interim* injunction is issued in favour of the plaintiff and against the defendants *in terms of prayer (a)* contained in the application, till the next date of hearing.
21. For completion of pleadings in the application, list before the learned Joint Registrar on 24th September 2026.
22. List before court thereafter.

ANUP JAIRAM BHAMBHANI, J

JULY 3, 2026/ak