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

+ **CS(COMM) 744/2026**

SATINDER SINGH SARNA & ANR.

.....Plaintiffs

Through: Ms. Shikha Sachdeva and Ms.
Mugdha Palsule, Advocates.

versus

LAMA KITCHEN THROUGH ITS PROPRIETOR

.....Defendant

Through:

CORAM:

HON'BLE MS. JUSTICE JYOTI SINGH

ORDER

% **20.07.2026**

I.A.18421/2026 (u/S 151 CPC)

1. This application is filed on behalf of the Plaintiffs under Section 151 CPC seeking exemption from filing certain original documents.
2. For the reasons stated in the application, the same is allowed.
3. Application stands disposed of.

I.A. 18420/2026 (u/O XI Rule 1(4) r/w Section 151 CPC)

4. This application is filed on behalf of the Plaintiffs seeking 30 days' time to file additional documents.
5. Plaintiffs, if they wish to file additional documents at a later stage, shall do so strictly in accordance with the provisions of the Commercial Courts Act, 2015.
6. Application is allowed and disposed of.



I.A. 18422/2026 (for pre-institution mediation)

7. This application is filed on behalf of the Plaintiffs under Section 12A(1) of Commercial Courts Act, 2015 read with Section 151 CPC seeking exemption from Pre-Institution Mediation.

8. Having regard to the facts of the present case wherein urgent relief is prayed for and in light of the judgment of Supreme Court in ***Yamini Manohar v. T.K.D. Keerthi, (2024) 5 SCC 815***, as also Division Bench of this Court in ***Chandra Kishore Chaurasia v. RA Perfumery Works Private Ltd., 2022 SCC OnLine Del 3529***, exemption is granted to the Plaintiffs from Pre-Institution Mediation.

9. Application is allowed and disposed of.

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10. Let plaint be registered as a suit.

11. Upon filing of process fee, issue summons to the Defendant through all permissible modes, returnable before the learned Joint Registrar on 06.08.2026.

12. Summons shall state that the written statement shall be filed by the Defendant within 30 days from the receipt of summons along with affidavit of admission/denial of the documents filed by the Plaintiffs.

13. It will be open to the Plaintiffs to file replication within 30 days from the date of receipt of written statement along with affidavit of admission/denial of documents filed by the Defendant.

14. If any of the parties wish to seek inspection of any documents, the same be sought and given within the timeline prescribed in Delhi High Court (Original Side) Rules, 2018.

15. Learned Joint Registrar will carry out admission/denial of documents



and marking of exhibits.

I.A. 18419/2026 (u/O XXXIX Rules 1 and 2 r/w Section 151 CPC)

16. This application is filed on behalf of the Plaintiffs under Order XXXIX Rules 1 and 2 read with Section 151 of CPC for grant of *ex parte* ad interim injunction.

17. Issue notice to the Defendant through all permissible modes, returnable before Court on 16.11.2026.

18. Case set out by Plaintiff in the plaint is that Plaintiffs in the year 2016 conceived a unique concept of starting a Himalayan Cook-house serving authentic Nepalese, Bhutanese, Tibetan and North-Eastern cuisines and formed 'M/S HKV HOSPITALITY', which was later renamed as 'KHAZANA HOSPITALITY', a partnership firm. On a trip to Sikkim, when Plaintiffs visited the famous Nanak Lama Gurudwara, the words LAMA KITCHEN came to their mind inspired by the historic significance of the institution. This led to adoption of LAMA KITCHEN as a trademark,



both as word and device mark . The device mark comprises of mountain peaks which signify a father and son duo as also spirituality guided by presence of sacred Tibetan Buddhist prayer flags with expression OM MANI PADME HUM. The restaurant serving the Himalayan cuisine is located in Hauz Khas Village and overlooks the lake. The interiors are woody, cozy and picturesque of a Lama's house in the Tibetan Mountains.

19. It is stated that in order to secure statutory rights in the LAMA KITCHEN trademark and its variants, Plaintiff No.1 secured registrations as follows:-



S. No.	Trade Mark	Reg. No.	Class	Date of Application	Date of Use
1.	LAMA KITCHEN	3252319	43	May 5, 2016	Proposed to be used
2.	 LAMA KITCHEN HIMALAYAN COOK HOUSE	3256267	43	May 10, 2016	Proposed to be used

20. It is stated that the registrations are valid and subsisting and by virtue of Section 28 of the Trade Marks Act, 1999 ('1999 Act'), Plaintiffs have acquired exclusive rights to use the trademark as also restrain third parties from infringing them. The LAMA KITCHEN device mark is used on menu cards, crockery and uniform of the staff amongst other ancillary uses. Plaintiff's restaurant is unique and authentic and extremely popular amongst its customers, who associate the marks LAMA KITCHEN only with the Plaintiffs. Plaintiffs also own and operate an exclusive website <https://lamakitchenkv.wixsite.com/mysite>, which is dedicated solely to Plaintiffs' business, food and restaurant run under the LAMA KITCHEN trademarks and is accessible throughout the world including India. The trademarks enjoy extensive and widespread social media presence on sites, such as Instagram and Facebook and Plaintiffs' social media handles/accounts also invite substantial public attention as detailed in the plaint. Plaintiffs' restaurant is also listed in several third party restaurant search engine guides such as Zomato, Swiggy, TripAdvisor, Eazydiner etc. For ease and accessibility, Plaintiffs' restaurant also delivers food/beverages and makes reservations through its website



<https://lamakitchenkv.wixsite.com/mysite/contact-us>.

21. It is stated that recently, Plaintiffs came across the activities of the Defendant which is engaged in business of providing food and drinks, catering and restaurant services and also operates a restaurant under the



impugned trademark LAMA KITCHEN/ in Delhi and as per Plaintiffs' knowledge, it offers Chinese and Tibetan cuisine. Defendant also advertises its restaurant on interactive restaurants search engine guides Magicpin and Justdial as well as on social media platforms Facebook and Instagram. The overall look and feel of the interiors of Defendant's restaurant under the impugned mark is visually similar to Plaintiffs' restaurant which reinforces the belief that Defendant wants to encash on the formidable reputation of the Plaintiffs. In fact, Defendant is operating an Instagram Page https://www.instagram.com/lama_kitchen/, which subsumes Plaintiffs' mark LAMA KITCHEN in entirety.

22. Learned counsel for the Plaintiffs submits that Plaintiff No.1 is the registered proprietor of the LAMA KITCHEN trademarks and has exclusive right to use the marks and restrain third parties from using them. Defendant has dishonestly adopted identical trademark LAMA KITCHEN despite being well aware of Plaintiffs' prior use. Since Defendant is operating in the same hospitality industry and offering identical services, the customers being common, there is every likelihood of confusion. Defendant has no plausible justification to adopt an identical mark for identical services, save and except, encash on the formidable goodwill and reputation of the Plaintiffs, which is evident from the revenues earned by the Plaintiffs over a period of



time and which for the year 2025-2026 alone was to the tune of Rs.3,12,01,467/-. Defendant is thus infringing Plaintiffs' registered trademarks. The manner in which the impugned trademark is being used is indicative of the fact that the only objective of the Defendant is to misrepresent to the general public that it has some association with the Plaintiff and divert traffic of customers to its own restaurant. The fact that Defendant is offering Tibetan cuisine is further indicative of the *mala fide* intent to pass off its services.

23. Having heard learned counsel for the Plaintiffs and on a perusal of the documents placed on record, I am of the view that Plaintiffs have made out a *prima facie* case for grant of *ex parte* ad interim injunction. Balance of convenience lies in favour of the Plaintiffs and they are likely to suffer irreparable harm in case the injunction, as prayed for, is not granted.

24. The LAMA KITCHEN trademarks are registered in favour of Plaintiff No.1, as per details in the plaint and this gives statutory rights and protection to the Plaintiffs to use the marks exclusively and also to restrain third parties from infringing them. Defendant is using identical marks for identical services and consumer base being common, there is likelihood of confusion amongst the consumers. Defendant is stated to be advertising its services online where the chances of confusion are higher and as stated in the plaint, Defendant is operating an Instagram Page which also subsumes Plaintiffs' mark LAMA KITCHEN in entirety. Plaintiffs have not authorized or licensed the Defendant to use the mark and *prima facie* there can be no plausible explanation to adopt an identical mark for identical services. Use of the impugned marks *prima facie* amounts to infringement under Section 29 of the 1999 Act. From the documents on record, it appears that Defendant



has copied the interiors and the layout of the Plaintiffs for its restaurant including the Tibetan prayer flags and the cuisine in addition to Chinese is Tibetan. The manner in which the trademark has been copied shows that the intent of the Defendant is to misrepresent to the members of public that its restaurant and hospitality services have some association or nexus with the Plaintiffs. This is causing irreparable harm and injury to the formidable reputation and goodwill of the Plaintiffs built over nearly a decade and amounts to passing off. For ready reference, comparative of the rival marks is as follows:-

Plaintiff No. 1's Trade Marks	Defendant's Manner of Use
LAMA KITCHEN 	LAMA KITCHEN 
Points of Similarity:	
- The Defendant has infringed the registered trade mark 'LAMA KITCHEN' of the Plaintiffs in its entirety; - The services provided by the Plaintiffs and Defendant are identical and target the same audience/members of trade and public; and - An average consumer with an imperfect recollection is likely to be deceived into thinking that the Plaintiffs have opened new outlet in Delhi on account of identity between the rival trade marks and the extensive presence of the Plaintiffs' LAMA KITCHEN restaurant in the Delhi.	



25. It will be useful to extract hereunder a comparative of the restaurants of the Plaintiffs and the Defendant, which reflect similarity in designs, interiors and layouts:-



26. Accordingly, till the next date of hearing, by way of the *ex parte* ad interim injunction, Defendant and all others acting on its behalf are restrained from using, offering hospitality services including running a



restaurant under the impugned trademarks LAMA KITCHEN/ and/or any other mark deceptively similar to Plaintiffs' trademark LAMA



KITCHEN/ as also from using the impugned marks as part of Instagram Page, trade name, E-mail Id, Corporate name, social media handles, amounting to infringement of trademarks and/or passing off.



27. Defendant is further directed to remove all references of the impugned marks from its merchandise, packaging and marketing/advertising material, labels, stationery, letter heads, invoices etc. as also from social media platforms such as Instagram and Facebook, if any, within a period of four weeks from the date of receipt of copy of this order.

28. Plaintiffs shall comply with the provisions of Order XXXIX Rule 3 CPC within a period of two weeks from today.

JYOTI SINGH, J

JULY 20, 2026/RW