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

+ **CS(COMM) 770/2026**

ASIAN PAINTS LIMITED

.....Plaintiff

Through: Mr. Prithvi Singh, Mr. Rohan Krishna
Seth and Mr. Ritwik Marwaha,
Advocates.

versus

SAROJ ARORA AND ORS.

.....Defendants

Through: Mr. Dhananjai Rana, CGSC for D-7
and D-8.

CORAM:

HON'BLE MR. JUSTICE ANUP JAIRAM BHAMBHANI

ORDER

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23.07.2026

I.A. 19116/2026 (exemption)

Exemption granted, subject to just exceptions.

Let requisite compliances be made within 01 week.

The application stands disposed-of.

I.A. 19114/2026 (exemption from pre-litigation mediation)

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-institution mediation.

2. 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.

3. The application stands disposed-of.

I.A. 19115/2026 (additional documents)

4. By way of the present application filed under Order XI Rule 1(4) (as amended by the Commercial Courts Act, 2015) read with section 151 of the CPC, the plaintiff seeks leave to file additional documents within 30 days.
5. For the reasons stated in the application, which is duly supported by affidavit, the application is allowed.
6. The plaintiff is granted liberty to file additional documents within 30 days.
7. Application stands disposed-of.

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8. Let the plaint be registered as a suit.
9. Issue summons in the suit.
10. Mr. Dhananjai Rana, learned counsel for defendants Nos.7 and 8 appears on advance copy; accepts notice; and seeks time to file written statement.
11. Upon the plaintiff taking requisite steps within 10 days, let summons be sent to the remaining defendants by all permissible modes, returnable for the next date before the learned Joint Registrar.

² 2022 SCC OnLine Del 3529



12. Let the summons indicate that the defendants are required to file written statements to the plaint within 30 days from the date of receipt of summons, alongwith affidavits of admission/denial of the documents filed by the plaintiff. The plaintiff may file replication(s) to the written statements within 30 days thereafter, alongwith affidavits 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 29th October 2026.
14. List before court thereafter.

I.A. 19113/2026

15. By way of the present application filed under Order XXXIX Rule 1 & 2 read with section 151 of the CPC, the plaintiff seeks the following reliefs as set-out in para 30 of the application:

- a. An interim injunction restraining the Defendant Nos. 1 to 5, their partners, directors, employees, servants, agents, representatives, distributors, dealers, affiliates, assigns and all others acting in active concert with them from manufacturing, selling, offering for sale, advertising, or using in any other manner the trade name 'ASIA PAINTS', and the logos

ASIA PAINTS
painting dreams into reality...

and
ASIA PAINTS, or any other mark or name identical with or deceptively similar to the Plaintiff's registered and well-known ASIAN PAINTS trademarks (as enumerated in the present application), which amounts to infringement and/ or passing off;

- b. As order directing the Defendant Nos. 1 to 5 to remove/takedown all their social media pages/profiles/accounts including but not limited to



Facebook and Instagram and also their third-party e-commerce listings including but not limited to IndiaMart and Dial4Trade referring to the marks

ASIA PAINTS

‘ASIA PAINTS’, ‘painting dreams into reality...’ and

ASIA PAINTS

and/or any other deceptively similar variant/s of the Plaintiff’s well-known ‘ASIAN PAINTS’ trademark;

- c. An order directing the Defendant No. 6, to suspend and lock the domain name ‘asiapaints.in’ during the pendency of the present suit;
- d. An order directing Defendant Nos. 7 and 8 to issue appropriate notification calling upon the Internet Services Providers (ISPs) registered under it to block access to the website ‘www.asiapaints.in’.
- e. Any further relief, as this Hon’ble Court may deem fit and proper in the facts and circumstances of the case, to render justice to the Plaintiff.

That the above order may be kindly be passed *ex-parte*.

16. Learned counsel appearing for the plaintiff submits, that the plaintiff is the owner of the well-known trademark and trade name ‘ASIAN PAINTS’ in various classes as detailed in para 9 of the plaint. Counsel points-out that one of the trademarks registered in the plaintiff’s favour is ‘ASIAN PAINTS’.
17. It is submitted that defendants Nos.1 to 4 are partners in a firm called M/s. Asia Paints; and defendants Nos.3 and 4 are also directors of a company called M/s. Ashind Industries Private Limited; and that the



said defendants are infringing the plaintiff's well-known trademark by using the trade mark and word mark 'ASIA PAINTS' in connection with the same products, viz., wall paints, distemper, thinner and other allied products.

18. It is submitted that though the defendants sell their products under the broad brand name 'MURGA', they are also prominently using 'ASIA PAINTS' as the name of the marketing agency, thereby infringing the plaintiff's house mark 'ASIAN PAINTS'.
19. It is argued that since the mark 'ASIA PAINTS' appears prominently on the cans of paint and other products that the defendants sell, there is imminent cause for a confusion.
20. Attention is drawn to section 29(5) of the Trade Marks Act, 1999 to point-out that where a person uses a registered trade mark as part of his trade name or trade mark or the name of his business concern, it amounts to infringement of a trademark.
21. Issue notice.
22. Mr. Dhananjai Rana, learned counsel for defendants Nos.7 and 8 appear on advance copy; accepts notice; and seeks time to file reply to the present application.
23. Upon the plaintiff taking requisite steps within 10 days, let notice be sent to the remaining defendants by all permissible modes, returnable for the next date before the learned Joint Registrar.
24. Let replies to the application be filed within 30 days of service; rejoinder(s) thereto, if any, be filed within 30 days thereafter; with copies to the opposing counsel.



25. Based on a preliminary appreciation of the matter, this court is of the view that the plaintiff has succeeded in making-out a *prima-facie* case in its favour; that 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 interim injunction as prayed-for is not granted.
26. Accordingly, an *ad-interim* order of injunction is passed in favour of the plaintiff and against the defendants *in terms of prayers 30(a) and (b)*, as extracted above, till the next date of hearing.
27. Plaintiff is directed to comply with the provision of Order XXXIX Rule 3 CPC within 10 days.
28. List before the learned Joint Registrar for completion of pleadings in this application on 29th October 2026.
29. List before court after completion of pleadings in this application.

ANUP JAIRAM BHAMBHANI, J

JULY 23, 2026/ak