



\$~43

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

CNR No. DLHC010378412026

+ **CS(COMM) 887/2026**

SIX CONTINENTS HOTELS, INC.

.....Plaintiff

Through: Ms. Nancy Roy with Ms. Prakriti
Varshney, Advocates.

versus

MR. JEROME FERNANDES

.....Defendant

Through:

CORAM:

HON'BLE MR. JUSTICE A. J. BHAMBHANI

ORDER

%

17.08.2026

I.A. 22077/2026 (exemption)

Exemption granted, subject to just exceptions.

Let requisite compliances be made within 01 week.

The application stands disposed-of.

I.A. 22075/2026 (seeking exemption from pre-institution 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-litigation 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 Kishore Chaurasia vs. R A Perfumery Works (P) Ltd.*², the plaintiff is exempted from attempting pre-litigation mediation.

¹ (2024) 5 SCC 815

² 2022 SCC OnLine Del 3529



3. The application stands disposed-of.

I.A. 22074/2026 (seeking permission to file 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.
5. For the reasons stated in the application, which is duly supported by affidavits, the application is allowed.
6. Let the additional documents be filed within 30 days.
7. The relevance and admissibility of the documents so filed will be considered subsequently.
8. The application stands disposed-of.

I.A. 22076/2026 (seeking permission to file documents in a CD/DVD)

9. By way of the present application filed under section 151 of the CPC, the plaintiff seeks permission to file documents mentioned in para 3 of the present application in compact disc/DVD.
10. For the reasons stated in the application, which is duly supported by affidavit, the application is allowed.
11. The plaintiff is permitted to file the aforesaid documents.
12. Application stands disposed-of.

I.A. 22078/2026 (seeking permission to file lengthy synopsis and list of dates)

13. By way of the present application filed under section 151 of the CPC, the plaintiff seeks leave to file lengthy list of dates and synopsis.
14. For the reasons stated in the application, which is duly supported by affidavit, the application is allowed.
15. The plaintiff is granted liberty to file lengthy list of dates and synopsis.



16. Application stands disposed-of.

CS(COMM) 887/2026

17. Let the plaint be registered as a suit.
18. Issue summons in the suit.
19. 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.
20. 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.
21. List before the learned Joint Registrar for completion of pleadings, for admission/denial of documents and marking of exhibits on 19th November 2026.
22. List before court thereafter.

I.A. 22073/2026 (u/O XXXIX Rules 1 and 2 CPC)

23. By way of the present application filed under Order XXXIX Rules 1 and 2 read with section 151 of the CPC, the plaintiff seeks the following interim reliefs:

“A. The Defendant, including all directors, employees, servants, agents, distributors, partners, franchises, representatives, suppliers, affiliates, subsidiaries, franchisees, licensees, representatives, group companies and assigns be restrained by an order of ex-parte ad interim and interim injunction from:



(i) using the Impugned Mark, i.e., HOTEL JEROME'S HOLIDAY INN, HOLIDAY INN, or any other mark which is identical or deceptively and confusing similar to the Plaintiff's Earlier Well-Known Trade Mark HOLIDAY INN and HOLIDAY INN formatives either as a trade mark or part of a trade mark, trade name or part of a trade name, corporate name, electronic-mail, domain name or part of a domain name, or in any manner which would amount to infringement of the registered trade mark of the Plaintiff;

(ii) using the Impugned Mark, i.e., HOTEL JEROME'S HOLIDAY INN, HOLIDAY INN, or any other mark which is identical or deceptively and confusing similar to the Plaintiff's Earlier Well-Known Trade Mark HOLIDAY INN and HOLIDAY INN formatives either as a trade mark or part of a trade mark, trade name or part of a trade name, corporate name, electronic-mail, domain name, or part of a domain name or in any manner which would amount to passing off its services as and for the services of the Plaintiff;

(iii) disposing of or dealing with its assets, including the properties mentioned in the cause title of the Plaint, in a manner which may adversely affect the Plaintiff's ability to recover damages, costs or other pecuniary remedies that may be finally awarded to the Plaintiff;

B. The Defendant, including all directors, employees, servants, agents, distributors, partners, franchises, representatives, suppliers, affiliates, subsidiaries, franchisees, licensees, representatives, group companies and assigns be directed, during the pendency of the present suit:



(i) to recall to the Plaintiff or its nominated representative all promotional material, catalogues, stationery and any other material whatsoever bearing the Impugned Mark, i.e., HOTEL JEROME'S HOLIDAY INN, HOLIDAY INN, or any other mark/name which contains a mark/name identical or deceptively and confusingly similar to the Plaintiff's Earlier Well-Known Trade Mark HOLIDAY INN and HOLIDAY INN formatives;

(ii) to hand over to the Plaintiff all marketing, promotional and advertising materials bearing the Impugned Mark, i.e., HOTEL JEROME'S HOLIDAY INN, HOLIDAY INN, or any other mark/name which contains a mark/name identical or deceptively and confusingly similar to the Plaintiff's Earlier Well-Known Trade Marks HOLIDAY INN and HOLIDAY INN formatives and forward the same to the attorneys or representatives of the Plaintiff;

(iii) to make a full and fair disclosure of any trade mark application(s)/copyright applications filed for registration(s) obtained for the Impugned Mark, i.e., HOTEL JEROME'S HOLIDAY INN, or any other mark which contains a mark which is identical or deceptively and confusingly similar to the Plaintiff's Earlier Well-Known Trade Mark HOLIDAY INN and HOLIDAY INN formatives, and immediately withdraw the same under intimation to the Plaintiff's Counsels;

(iv) to provide a full and fair disclosure of any other websites/domain names registered and/or operated by or on behalf of the Defendant which contains a mark/name identical or deceptively and confusingly similar to the Plaintiff's Earlier Well-Known Trade Mark HOLIDAY INN and HOLIDAY INN formatives and immediately take steps to transfer the same to the Plaintiff;



(v) to remove its advertisements and listings from third-party websites including but not limited to Goibibo, MakeMyTrip, TripAdvisor, Trivago, among others, and immediately make a full and fair disclosure of any other online advertisement of its hotel on any other website;”

24. Ms. Nancy Roy, learned counsel appearing for the plaintiff submits, that the plaintiff holds a registration for the word mark “HOLIDAY INN” since 1964 and has since then obtained registrations for “HOLIDAY INN RESORT” and various “HOLIDAY INN” formative marks in relevant classes. In fact, learned counsel submits, that the plaintiff’s mark “HOLIDAY INN” has been designated as a well-known trade mark in India and that as set-out in para 9 of the plaint, various Benches of this court have already protected the plaintiff’s word mark against other entities.
25. In this backdrop, it is submitted that the defendant has subsumed the plaintiff’s complete word mark “HOLIDAY INN” in its hotels/inn operating under the name “HOTEL JEROME’S HOLIDAY INN”.
26. Issue notice.
27. Upon the plaintiff taking steps within 10, let notice be sent to the defendants by all permissible modes, returnable for the next date before the learned Joint Registrar.
28. 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.
29. 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 defendant; 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.

30. Accordingly, an *ex-parte ad-interim* order of injunction is passed in favour of the plaintiff and against the defendants in terms of prayer A (i), (ii) and B(v), as extracted above, till the next date of hearing.
31. Plaintiff is directed to comply with the provision of Order XXXIX Rule 3 CPC within 01 week.
32. List before the learned Joint Registrar for completion of pleadings in this application on 19th November 2026.
33. List before court after completion of pleadings in this application.

A. J. BHAMBHANI, J

AUGUST 17, 2026
ds