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

CNR No. DLHC010390942026

+ **CS(COMM) 913/2026**

HILTON WORLDWIDE MANAGE LIMITED AND ANR

.....Plaintiffs

Through: Mr. Jayant Kumar and Ms. Ruchi
Singh, Advocates.

versus

M/S HOTEL HILTON INDIA

.....Defendant

Through:

CORAM:

HON'BLE MR. JUSTICE A. J. BHAMBHANI

ORDER

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21.08.2026

I.A. 22740/2026 (exemption)

Exemption granted, subject to just exceptions.

Let requisite compliances be made within 01 week.

The application stands disposed of.

I.A. 22741/2026 (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 plaintiffs seek 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 Kishore Chaurasia vs. R A Perfumery Works (P) Ltd.***², the plaintiffs are exempted from attempting pre-litigation mediation.
3. The application stands disposed-of.

I.A. 22742/2026 (additional documents)

4. By way of the present application filed under Order 11 Rule 1(4) (as amended by the Commercial Courts Act, 2015) read with section 151 of the CPC, the plaintiffs seek leave to file additional documents.
5. For the reasons stated in the application, which is duly supported by affidavit, 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.

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9. Let the plaint be registered as a suit.
10. Issue summons in the suit.
11. Upon the plaintiffs taking requisite steps within 10 days, let summons be sent to the defendant by all permissible modes, returnable for the next date before the learned Joint Registrar.

¹ (2024) 5 SCC 815

² 2022 SCC OnLine Del 3529



12. Let the summons indicate that the defendant is 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 plaintiffs. The plaintiffs may file replication to the written statement within 30 days thereafter, alongwith affidavit of admission/denial of the documents filed by defendant.
13. List before the learned Joint Registrar for completion of pleadings, for admission/denial of documents and marking of exhibits on 19th November 2026.
14. List before court thereafter.

I.A. 22743/2026 (ex-parte ad interim injunction)

15. By way of the present application filed under Order XXXIX Rules 1 and 2 read with section 151 of the CPC, the plaintiffs seek the following reliefs:

- “(i) *an order of interim injunction restraining the Defendant from using the trade name/ mark HILTON and/or HOTEL HILTON INDIA, and/or any other trade name/trade mark confusingly or deceptively similar thereto, amounting to infringement of the Plaintiffs’ registered trade marks HILTON and/or passing off;*
- (ii) *an order granting ex-parte ad-interim relief to the Plaintiffs, in terms of prayers sought in paragraphs (i) above;*
- (iii) *such other further order or orders as this Hon’ble-Court may deem fit and proper in the facts and circumstances of the present case.”*

16. Mr. Jayant Kumar learned counsel appearing for the plaintiffs submits that plaintiff No.1 is engaged in the business of running luxury hotels



and providing allied services. Counsel submits that plaintiff No.1 had opened the first 'HILTON' hotel in 1925 in Dallas, Texas, USA.

17. Learned counsel submits that as far as the business of the plaintiffs in India is concerned, plaintiff No.1 is the registered proprietor of the trade mark 'HILTON' across various classes, with the earliest registration dating back to 11.08.1988 bearing registration No.495832 in class 16. Counsel further submits that the plaintiffs trade mark is also recognised as a well-known mark; and the plaintiffs have over 40 hotels across the country, some of which are yet to begin operations, suggesting that the plaintiffs are steadily expanding their operations across the country.
18. Mr. Kumar further submits that it has come to the plaintiffs' notice that the defendant has been running a hotel by the name of 'HOTEL HILTON INDIA' in Kollam, Kerala; and that the defendant's hotel as listed on Google/other search engines contains the address to the plaintiffs' website; and in doing so, the defendant has intentionally intensified the confusion in the minds of unsuspecting consumers.
19. Issue notice.
20. Upon the plaintiffs taking steps within 10 days, let notice be sent to the defendant by all permissible modes, returnable for the next date before the learned Joint Registrar.
21. 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.
22. Based on a preliminary appreciation of the matter, this court is of the view that the plaintiffs have succeeded in making-out a *prima-facie*



case in its favour; that the balance of convenience also lies in favour of the plaintiffs and against the defendant; and it would appear that irreparable loss and injury would be caused to the plaintiffs if the interim injunction as prayed-for is not granted.

23. Accordingly, an *ex-parte ad-interim* order of injunction is passed in favour of the plaintiffs and against the defendants in terms of prayer (i) as extracted above, till the next date of hearing.
24. The plaintiffs are directed to comply with the provision of Order XXXIX Rule 3 CPC within 10 days.
25. List before the learned Joint Registrar for completion of pleadings in this application on 19th November 2026.
26. List before court after completion of pleadings in this application.

A. J. BHAMBHANI, J

AUGUST 21, 2026/ak