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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **FAO (COMM) 35/2026**

M/S CHAI SUTTA BAR TRADING PRIVATE LIMITED

.....Appellant

Through: Mr. Kunal Khanna, Mr. Samanyu
Bhatnagar, Mr. Rishabh Gupta, Mr.
Kaulik Mitra, Mr. Aditya Vats
Sharma, Mr. Anuj Dhar and Ms.
Priyanshi Gupta, Advocates

versus

M/S MACHA CONSUMER PRODUCTS PRIVATE LIMITED

.....Respondent

Through: Mr. Harish Kumar, Mr. Fawaz Aftab,
Ms. Titiksha Jakhmola and Ms.
Vidhi, Advocates

CORAM:

HON'BLE MR. JUSTICE V. KAMESWAR RAO

HON'BLE MS. JUSTICE MANMEET PRITAM SINGH ARORA

ORDER

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07.07.2026

1. This appeal lays a challenge to an order dated 17.01.2026 ('impugned order') passed by the learned District Judge (Commercial Court)-02, North West District Rohini, whereby the learned District Judge has allowed the application filed by the plaintiff under Order XXXIX Rule 1 and 2 of the Code of Civil Procedure, 1908 ('CPC') and confirmed the interim order dated 02.07.2024 during the pendency of the suit.
2. Vide order dated 02.07.2024, the learned District Judge has enjoined the appellant herein from using the mark 'MAATEA' for the purpose of selling tea.
3. We have heard the learned counsel for the parties at length.
4. During the course of his submissions, learned counsel for the



appellant has also drawn our attention to paragraph '35' of the impugned order to contend that the learned District Judge has also formed an opinion in respect of the ground of invalidity of the trade mark of the respondent/plaintiff as advanced by the appellant herein and as such, the appellant is precluded from filing an application under Section 124 of the Trade Marks Act, 1999 ('TM Act') for which an issue could have been framed in the suit.

5. Learned counsel for the respondent states that he has no objection if the appellant intends to file an application under Section 124 of the TM Act for the learned District Judge to decide the issue of invalidity.

6. If that be so, while closing the appeal, we grant liberty to the appellant herein to file an application under Section 124 of the TM Act, which shall be decided by the learned District Judge in accordance with law, by making it clear that the decision on the application shall be without being influenced by the observation made by the learned District Judge in paragraph '35' of the impugned order.

7. During the course of hearing, we have been informed that the respondent herein had initiated contempt proceedings against the appellant. We say nothing on that submission, suffice to state that the learned District Judge before whom the contempt petition(s) is pending, shall decide the same in accordance with law.

8. The appeal stands disposed of.

V. KAMESWAR RAO, J

MANMEET PRITAM SINGH ARORA, J

JULY 7, 2026/rhc