



\$~37

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

CNR No. DLHC010444062026

+ **CS(COMM) 1027/2026**

DARZI (INDIA) LLP & ANR.

.....Plaintiffs

Through: Mr. Anirudh Bakhru, Mr. Naqeeb
Nawab, Mr. Vibhav Singh and Mr.
Alekhendra Sharma, Advocates.

versus

MR. AKHIL JAIN

.....Defendant

Through:

CORAM:

HON'BLE MR. JUSTICE A. J. BHAMBHANI

ORDER

%

18.09.2026

I.A. 25670/2026 (exemption)

Exemption granted, subject to just exceptions.

Let requisite compliances be made within 01 week.

The application stands disposed-of.

I.A. 25668/2026 (exemption from pre-litigation mediation)

By way of the present application filed under section 12A of Commercial Courts Act, 2015, the plaintiffs seek 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 plaintiffs are 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. 25669/2026 (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 Code of Civil Procedure 1908 ('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 04 weeks.
7. The relevance and admissibility of the documents so filed will be considered subsequently.
8. The application stands disposed-of.

I.A. 25671/2026 (exemption from advance service)

9. By way of the present application filed under section 151 of the CPC, the plaintiffs seek exemption from effecting advance service upon the defendant.
10. Having regard to the facts and circumstances of the case, the plaintiffs are exempted from effecting advance service upon the defendant.
11. Application stands disposed-of.

CS(COMM) 1027/2026

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



15. 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.
16. List before the learned Joint Registrar for completion of pleadings, for admission/denial of documents and marking of exhibits on 09th December 2026.
17. List before court thereafter.

I.A. 25667/2026 (interim injunction)

18. 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 interim reliefs:

53. It is, therefore, most respectfully prayed that during the pendency of the Plaintiffs' Suit, this Hon'ble Court may be pleased to grant an ex-parte and/or ad interim order:

- a) Restraining the Defendant, its partners, principals, employees, agents, distributors, franchisees, representatives, assigns and/ or all those connected with the Defendant in its business from using, in any manner whatsoever, in relation to any goods or services, *inter alia*, clothing, apparel, etc., the impugned marks-



MEN'S DARZI, and any other mark, device, logo, domain name or trade name which is identical with and/or deceptively similar to the Plaintiffs' well-known, registered and earlier DARZI



**The[®]
Darzi**
THE SUIT PEOPLE
1981

Marks- DARZI and 1981 in any manner whatsoever without the permission, consent, license of the Plaintiffs thereby infringing the rights of the Plaintiffs in its registered trademark amounting to an infringement thereof;

- b) Restraining the Defendant, its partners, principals, employees, agents, distributors, franchisees, representatives, assigns and/ or all those connected with the Defendant in its business from using, in any manner

whatsoever in relation to any goods or services, *inter alia*, clothing, apparel, etc. the impugned marks-



MEN'S DARZI, and 'or any other mark, device, logo, domain name or trade name which is identical with and/or deceptively similar to the Plaintiffs' well-known and earlier DARZI Marks- DARZI, THE DARZI, THE DARZI – THE SUIT

**The[®]
Darzi**
THE SUIT PEOPLE
1981

**The[®]
Darzi**
THE SUIT PEOPLE
1981
SUNIL & SUSHAN MITAL

PEOPLE, and , amounting to passing off her goods and services as and for the goods and services of the Plaintiffs, or in any manner whatsoever, using or incorporating the Plaintiffs' well-known DARZI Marks or any other mark, device, logo, domain name or trade name, which is deceptively or confusingly similar to the Plaintiffs' prior and famous DARZI Marks- DARZI, THE DARZI, THE DARZI –

**The[®]
Darzi**
THE SUIT PEOPLE
1981

**The[®]
Darzi**
THE SUIT PEOPLE
1981
SUNIL & SUSHAN MITAL

THE SUIT PEOPLE, and and from taking benefit of the reputation and goodwill of the Plaintiffs in any manner whatsoever;



c) Restraining the Defendant from disposing of or dealing with her assets including her premises at the addresses mentioned in the Memo of Parties and her stocks-in-trade or any other assets as may be brought to the notice of the Hon'ble Court during the course of the proceedings and/or the Defendant's disclosure thereof

and which the Defendant is called upon to disclose and/or on their ascertainment by the Plaintiffs as the Plaintiffs are not aware of the same, as provided under Section 135(2)(c) of the Trade Marks Act, 1999 as it could adversely affect the Plaintiffs' ability to recover the costs and pecuniary reliefs thereon;

- d) Ex-parte or ad interim reliefs in terms of prayer clause (a), (b), and (c); and
- e) Such other/further order which the Hon'ble Court deems fit and proper in the facts and circumstances of the case in favour of the Plaintiffs and against the Defendants.

19. Mr. Anirudh Bakhru, learned counsel appearing for the plaintiffs submits, that quite apart from the fact that the plaintiffs hold a registration in respect of the trade mark '*The Darzi The Suit People, 1981*', the plaintiffs also hold a registration over the word mark '*DARZI*' dating back to 2018.



20. It is further submitted that in this backdrop, the defendant had applied for registration of the trade mark '*Men's Darzi*' *vidé* application dated 08.07.2020, a copy of which has been placed at page No.3 of the plaintiffs' document; which application was however rejected by the Registrar of Trade Marks *inter-alia* in view of the objection raised by the plaintiffs, as evidenced by the recording in the Trade Mark Journal/order dated 08.11.2024, a copy of which has also been placed at page No.5/10 of the plaintiffs' documents.
21. Learned counsel argues that despite registration of their trade mark having been refused, the defendant has continued to use the trade mark '*Men's Darzi*', in which the word '*Darzi*' forms a prominent part of the mark.
22. Issue notice.
23. Upon the plaintiffs taking steps, let notice be sent to the defendant by all permissible modes, returnable for the next date before the learned Joint Registrar.
24. 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.
25. 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 their 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.



26. Accordingly, an *ex-parte ad-interim* order of injunction is passed in favour of the plaintiffs and against the defendant in terms of prayer contained in para 53(a) and (b) as extracted above, till the next date of hearing.
27. Plaintiffs are directed to comply with the provision of Order XXXIX Rule 3 CPC within 03 weeks.
28. List before the learned Joint Registrar for completion of pleadings in this application on 09th December 2026.
29. List before court thereafter.

A. J. BHAMBHANI, J

SEPTEMBER 18, 2026

V.Rawat