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

\# **CNR No. DLHC010447172026**

\+ CS(COMM) 1032/2026, I.A. 25879/2026, I.A. 25880/2026, I.A. 25881/2026, I.A. 25882/2026, I.A. 25883/2026

NIVA BUPA HEALTH INSURANCE COMPANY LIMITED AND ANOTHER .....Plaintiffs

Through: Mr. Ankur Khandelwal with Ms. Ankita Panikkar, Mr. Yash Jain, Mr. Prashant Shivam and Mr. Himanshu Sharma, Advocates.

versus

MR. VISHAL RATTEWAL AND ORS .....Defendants

Through: Mr. Suhail Sehgal and Mr. Lakshay Singh, Advocates for D-1.
Mr. Varun Pathak, Ms. Sana Banyal and Ms. Komal Pathak, Advocates for D-3.
Ms. Ekta Sharma, Mr. Udit Tewari and Ms. Surabhi Katare, Advocates for D-4.

CORAM:
HON'BLE MR. JUSTICE A. J. BHAMBHANI

O R D E R

% **21.09.2026**

By way of the present suit the plaintiffs seek the relief of permanent injunction and a direction for take-down, removal and disablement of certain content put-out by defendant No.1, who is a social media influencer on his social media accounts/handles on Instagram, Facebook, YouTube and X (formerly Twitter), as detailed in the plaint.

2. The plaintiffs also seek an apology and damages of Rs. 5 crore along with litigation costs and other consequential and ancillary reliefs against defendant No.1.

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3. The genesis of the matter is a consumer complaint made by one Neeraj Kumar against plaintiff No.1 (Niva Bupa Health Insurance Company Limited) in relation to a medical insurance claim, which culminated in the passing of order dated 09.10.2024 by the District Consumer Disputes Redressal Commission, Charkhi Dadri, Haryana ('DCDRC') in favour of the complainant. In the backdrop of the consumer complaint relating to plaintiff No.1 insurance company in that case, the DCDRC had made certain remarks in relation to medical insurance companies in general.

4. Plaintiff No. 1's grievance is that, arising from the proceedings in the said consumer complaint, defendant No. 1 has put-out allegedly offensive content against plaintiff No. 1 company on social media. Furthermore, it is plaintiff No. 1's contention that the allegedly offensive content put-out by defendant No.1 also refers to an order dated 19.08.2026 issued by the Insurance Regulatory and Development Authority of India ('IRDAI') barring plaintiff No. 1 from opening a new place for business for a period of 06 months, arising from certain regulatory violations committed by plaintiff No.1.

5. Plaintiff No.2, who was the Advocate representing plaintiff No.1, also claims similar relief against defendant No.1 based on similar allegations.

6. In this backdrop, learned counsel for the plaintiffs contends that, by publishing allegedly offensive content on his social media accounts/handles, defendant No.1 has infringed plaintiff No.1's registered trade mark by harming plaintiff No.1's reputation in India.

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7. Upon being queried as to how the present suit qualifies as "Intellectual Property Rights subject matter" so as to fall within the subject matter jurisdiction of this court, learned counsel for the plaintiffs submits that defendant No.1's actions amount to infringement of plaintiff No.1's trade mark in light of section 29(4)(c) read with section 29(8) of the Trade Marks Act, 1999 ('Trade Marks Act').

8. In support of his response, counsel has also placed reliance on the definition of "Intellectual Property Rights subject matter" appearing in section 2(i) of the Delhi High Court Intellectual Property Rights Division Rules, 2022.

9. On a pointed question, learned counsel for the plaintiffs confirms that defendant No.1 is not in the insurance business nor is he connected with such business in any manner. Counsel for the plaintiffs however submits that, since defendant No.1 is a social media influencer, he is trying to gain views and traction on his social media accounts and handles by disparaging plaintiff No. 1's services, which amounts to infringement of plaintiff No.1's trade mark in view of the afore-cited sections.

10. Section 29 of the Trade Marks Act reads as follows:

> ***29. Infringement of registered trade marks.—*** *(1) A registered trade mark is infringed by a person who, not being a registered proprietor or a person using by way of permitted use, uses in the course of trade, a mark which is identical with, or deceptively similar to, the trade mark in relation to goods or services in respect of which the trade mark is registered and in such manner as to render the use of the mark likely to be taken as being used as a trade mark.*

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(2) A registered trade mark is infringed by a person who, not being a registered proprietor or a person using by way of permitted use, uses in the course of trade, a mark which because of—

(a) its identity with the registered trade mark and the similarity of the goods or services covered by such registered trade mark; or

(b) its similarity to the registered trade mark and the identity or similarity of the goods or services covered by such registered trade mark; or

(c) its identity with the registered trade mark and the identity of the goods or services covered by such registered trade mark,

is likely to cause confusion on the part of the public, or which is likely to have an association with the registered trade mark.

(3) * * * * *

(4) A registered trade mark is infringed by a person who, not being a registered proprietor or a person using by way of permitted use, uses in the course of trade, a mark which—

(a) is identical with or similar to the registered trade mark; and

(b) is used in relation to goods or services which are not similar to those for which the trade mark is registered; and

(c) the registered trade mark has a reputation in India and the use of the mark without due cause takes unfair advantage of or is detrimental to, the distinctive character or repute of the registered trade mark.

(5) A registered trade mark is infringed by a person if he uses such registered trade mark, as his trade name or part of his trade name, or name of his business concern or part of the name, of his business concern dealing in goods or services in respect of which the trade mark is registered.

(6) For the purposes of this section, a person uses a registered mark, if, in particular, he—

(a) affixes it to goods or the packaging thereof;

(b) offers or exposes goods for sale, puts them on the

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market, or stocks them for those purposes under the registered trade mark, or offers or supplies services under the registered trade mark;

(c) imports or exports goods under the mark; or

(d) uses the registered trade mark on business papers or in advertising.

(7) * * * * *

(8) * * * * *

(9) * * * * *

(emphasis supplied)

11. Upon a conspectus of the foregoing, this court is of the view that since it is the admitted position that defendant No.1 is *not* in the insurance business *nor* is he in any manner connected with such business, and considering the context in which the allegedly offensive or disparaging content has allegedly been put-out by defendant No.1 on his social media accounts/handles, the use of the plaintiff's trade mark or trade name *merely to refer to plaintiff No. 1* does not amount to defendant No. 1 using plaintiff No. 1's trade mark "*in the course of trade*" or in any other manner, or for any purpose as contemplated in section 29 of the Trade Marks Act.

12. In view thereof, in the opinion of this court, this suit is *not maintainable* before the Intellectual Property Division of this court, since it is not a matter relating to infringement of any intellectual property right of either of the plaintiffs.

13. In the circumstances, the plaint is returned to the plaintiffs under the provisions of Order VII Rule 10 of the Code of Civil Procedure 1908, to be presented before the court of competent subject matter jurisdiction.

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14. The Registry is directed to take appropriate steps for return of the plaint.

15. Pending applications, if any, also stand disposed-of.

A. J. BHAMBHANI, J

SEPTEMBER 21, 2026/hb

16. At this stage, after the order had been dictated, learned counsel for the plaintiffs seek leave to withdraw the present suit with liberty to file the plaintiffs' claim as an ordinary civil suit, as may be permissible, in accordance with law.

17. Since the suit was filed and pressed, this court is of the view that filing of such suit amounts to misuse of the special jurisdiction of this court under the Intellectual Property Division.

18. That being said, in view of the request made by learned counsel appearing for the plaintiffs, the suit is permitted to be withdrawn with liberty to file afresh for the same cause of action, subject however to the plaintiffs paying notional costs of Re. 1/- to defendant No.1.

A. J. BHAMBHANI, J

SEPTEMBER 21, 2026/hb

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