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

CNR No. DLHC010504442026

+ **CS(COMM) 1131/2026**

SHIMOW HOSPITALITY PRIVATE LIMITED Plaintiff

Through: Mr. Chander M. Lall, Sr. Adv. with
Ms. Shikha Sachdeva, Ms. Mugdha
Palsule, Mr. Kranav Kapur and Mr.
Saksham Goyal, Advs.

versus

M/S BENNE DELHI THROUGH ITS PROPRIETOR.....Defendant

Through:

CORAM:

HON'BLE MR. JUSTICE VIKAS MAHAJAN

ORDER

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16.10.2026

I.A. 28981/2026 (by plaintiff under Section 151 CPC seeking permission to file lengthy synopsis and list of dates)

1. Allowed, subject to all just exceptions.
2. Application stands disposed of.

I.A. 28978/2026 (by plaintiff under Order XI Rule 1(4) (as amended by The Commercial Courts Act, 2015) read with Section 151 CPC seeking leave to file additional documents)

3. The present application has been filed on behalf of the plaintiff seeking leave to place on record additional documents.
4. The plaintiffs are permitted to file additional documents in accordance with the provisions of the Commercial Courts Act, 2015 and the Delhi High Court (Original Side) Rules, 2018.



5. The application is disposed of.

I.A. 28979/2026 (by plaintiff under Section 151 CPC seeking exemption from filing original documents)

6. The present application has been filed by the plaintiff under Section 151 CPC seeking exemption from filing of the original documents.

7. Original documents shall be produced/filed, if sought, strictly as per the provisions of Commercial Courts, Commercial Division and Commercial Appellate Division of High Courts Act, 2015 (hereinafter, 'Commercial Courts Act') and DHC (Original Side) Rules, 2018.

8. Accordingly, the application is allowed and stands disposed of.

I.A. 28980/2026 (by plaintiff under Section 12A, Commercial Courts Act, 2015 read with Section 151 CPC seeking exemption from pre-institution mediation)

9. This is an application filed by the plaintiff seeking exemption from instituting pre-institution mediation under Section 12A of the Commercial Courts Act, 2015.

10. An urgent relief has been sought by the plaintiff in the present suit. After having examined the plaint and the documents filed along with the plaint, the Court is of the view that relief in application under Order XXXIX Rules 1 and 2 CPC [I.A. 28977/2026] is plausibly urgent and genuinely contemplated, for the reasons recorded in detail while dealing with I.A. 28977/2026.

11. The application is, therefore, allowed and the plaintiff is exempted from pre-litigation mediation.

12. The application stands disposed of.



I.A. 28982/2026 (by plaintiff under Section 149 CPC seeking time to file court fees along with one time process fee)

13. The present application has been filed seeking extension of payment of Court fee.

14. Mr. Chander M. Lall, learned senior counsel appearing on behalf of the plaintiff submits that the Court fee has been applied for and the amount has already been deposited. The same shall be filed as and when it becomes available.

15. Let the court fee be filed within a period of two weeks.

16. The application is disposed of.

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17. The plaint be registered as suit.

18. On filing of process fee, summons be issued to the defendants by all permissible modes.

19. The summons shall indicate that the written statement must be filed within thirty days from the date of receipt of summons.

20. The defendants shall also file an affidavit of admission/denial of the documents filed by the plaintiff, failing which the written statement shall not be taken on record.

21. The plaintiff is at liberty to file replication thereto within thirty days after filing of the written statement. The replication shall be accompanied by an affidavit of admission/denial in respect of the documents filed by the defendants, failing which the replication shall not be taken on record.

22. It is made clear that any unjustified denial of documents may lead to an order of costs against the concerned party.



23. Any party seeking inspection of documents may do so in accordance with the Delhi High Court (Original Side) Rules, 2018.

24. List before the learned Joint Registrar for completion of service, pleadings, admission/denial of documents and marking of exhibits on 09.12.2026.

25. List before Court for framing of issues on a date to be assigned by the learned Joint Registrar.

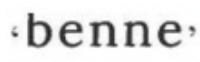
I.A. 28977/2026 (by plaintiff under Order XXXIX Rules 1 & 2 read with Section 151 CPC by plaintiff)

26. This is an application filed on behalf of the plaintiff seeking *ex parte ad interim* injunctive reliefs.

27. The case set out in the plaint is that plaintiff was initially constituted as a Limited Liability Partnership named Shimow Foods LLP, and was subsequently incorporated as a Private Limited Company, which is the present plaintiff.

28. It is stated that in the year 2023-24, the plaintiff conceptualised its trade

mark  &  for its dining outlets. The same was inspired from the Darshini concept and culture which is particularly dominant in Bengaluru. The word 'benne' means butter in the Kannada language and is often used by restaurants as a menu item in relation to butter dosa.

29. It is stated that the plaintiff's rights in the mark  were assigned to the plaintiff by Shimow Foods LLP vide Deed of assignment dated 13 July, 2026.

30. It is stated that the plaintiff is engaged in the business of providing



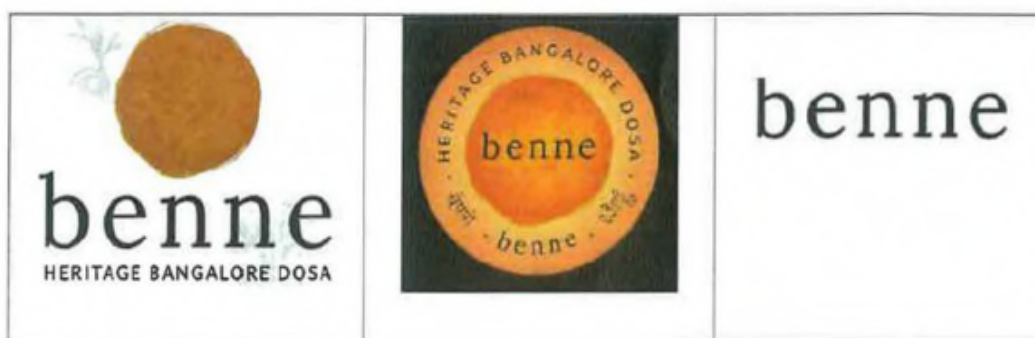
hospitality services, including but not limited to operating and managing outlets specialising in South Indian Cuisine and allied beverages. It is further stated that the plaintiff commenced its business in the year 2024 under the trademark ‘benne’, and is currently operating 5 outlets under the said mark

31. Mr. Lall submits that on account of continuous and extensive use, and painstaking quality control undertaken by the plaintiff with respect to all of its outlets, the trademark ‘benne’ has acquired formidable goodwill and reputation in a short span of time.

32. It is stated that the use of ‘benne’ as a trademark has acquired secondary meaning as goods emanating from the plaintiff. The circular device



adopted by the plaintiff is inspired by the imperfect circle of life to denote that life is often uneven and doesn’t always follow a neat pattern. The tag line “HERITAGE BANGALORE DOSA” was also adopted by the plaintiff. The distinctive ‘benne’ logos and its formative marks as set out in para 10 of the plaint, are reproduced hereunder for the ease of reference:



33. It is contended that the plaintiff opened its first ‘benne’ outlet in



the year April 2024 in Bandra, Mumbai, and is currently operating 05 outlets under its trade mark. The plaintiff has 03 outlets in Mumbai and 02 in Delhi NCR, and across all outlets, the use of traditional design cues and heritage-inspired decor is consistent and the same has created a recognisable and uniform visual identity that the consumers closely associate with the plaintiff's outlets.

34. It is stated that the plaintiff has adopted a traditional yet modern, tech-forward quick-service model specialising in South Indian cuisine. The plaintiff's outlets feature self-service ordering kiosks, communal standing tables, and a minimalist yet functional aesthetic, capitalizing on a fast-turnaround format. The overall look and feel of the outlets, service style, and operational format have been curated to reflect simplicity, efficiency, and the authenticity of the delicacies served. An image of the self-service kiosk displaying the menu items and the paper menu, as given in para 14 of the plaint, is set out hereinbelow:-



35. It is submitted that the plaintiff's trademark has received widespread media coverage through multiple media channels, including newspaper,



digital articles, food and lifestyle publications, online features, and coverage by popular food vloggers and influencers. The extensive media, vlogger and digital coverage has resulted in significant public visibility and growing consumer awareness, and the same has materially contributed to the goodwill and reputation of the plaintiff. Images of media coverage enjoyed by the plaintiff, is set out in para 19 of the plaint, and the same are also reproduced herein below for the ease of reference:





36. It is stated that the plaintiff's outlets are often frequented by celebrities including Deepika Padukone, Ranveer Singh, Anushka Sharma, Vijay Verma, etc. Images with respect to the same as set out in para 20 of the plaint and reproduced hereunder:



37. It is stated that within a short span of 2 years, the turnover of the



plaintiff has increased substantially and is steadily on the rise. The tabular representation of the turnover of the plaintiff as given in para 24 of the plaint is reproduced hereunder:

Financial Year	Total Revenue (in INR)
2024-2025	4,28,44,302
2025-2026	20,24,39,545

38. It is contended that in order to secure its statutory as well as common law rights in the trade mark **‘benne’**, the plaintiff has sought registration of its mark. The details of the trademark applications filed by the plaintiff as delineated in para 25 of the plaint is set out hereunder:-

Trade Mark	Application No.	Date of application	Date of use	Class	Status
 benne HERITAGE BANGALORE DOSA	7496519	February 03, 2026	April 14, 2024	9	Ready for Examination
Software for browsing eatery menus; placing food and beverage orders; managing outlet profiles; facilitating digital menu creation and online ordering; downloadable e-commerce software for the food service industry; software supporting viewing, selecting and placing orders for goods from an existing database/online catalogue & menu card for the purposes of food & drinks; scientific, research, navigation, surveying, photographic, cinematographic, audiovisual, optical, weighing, measuring, signaling, detecting, testing, inspecting, teaching apparatus and instruments; apparatus and instruments for recording, transmitting, reproducing or processing sound, images or data; recorded and downloadable multimedia files, computer software, blank digital or analogue recording and storage media; mechanisms for cash registers, calculating devices; computers and computer peripheral devices.					
 benne HERITAGE BANGALORE DOSA	7496520	February 03, 2026	April 14, 2024	16	Ready for Examination



Paper and cardboard; Printed matter, menu card, printed menu; photographs; stationery and office requisites, except furniture; Instructional and teaching materials; Plastic sheets, films and bags for wrapping and packaging.

 HERITAGE BANGALORE DOSA	7496521	February 03, 2026	April 14, 2024	25	Ready for Examination
Clothing, footwear, headwear; apron; uniform					

 HERITAGE BANGALORE DOSA	7496522	February 03, 2026	April 14, 2024	30	Ready for Examination
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Coffee, tea, cocoa and substitutes therefor; rice, flour and preparations made from cereals; bread, pastries and confectionery; chocolate; ice cream, sorbets and other edible ices; sugar, honey, treacle; yeast, baking-powder; salt, seasonings, spices, preserved herbs; vinegar, sauces and other condiments; ice (frozen water); dosa; idli; dosa and idli batter; mysore pak; halwa; chutneys; vada; buns; roti; filter coffee; blended beverages

 HERITAGE BANGALORE DOSA	7496523	February 03, 2026	April 14, 2024	35	Ready for Examination
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Advertising; business management, organization and administration relating to outlet services

 HERITAGE BANGALORE DOSA	6540569	July 23, 2024	Proposed to be used	43	Opposed
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café services, food and drink catering, personal chef services, rental of cooking apparatus, outlet services, self-service outlet services, take-away outlet services,



39. It is further contended that the logo constitutes as original “artistic work” within the meaning of Section 2(c) of the Copyright Act 1957 and the plaintiff, therefore, is the owner of the said copyright.

40. It is stated that due to the continuous and extensive use and publicity by the plaintiff, the trade mark ‘benne’ has acquired fame, goodwill and reputation to such an extent that any identical and/or deceptively similar mark/name, especially comprising the word ‘benne’ in any form or



manner, by another trader, is bound to cause confusion in the minds of the consumers and would also lead the public to falsely believe that such third party goods/services either originate from the plaintiff or have a connection/affiliation with the plaintiff.

41. It is contended that in August 2026, the plaintiff through an internet



search came across the defendants' offending trade mark i.e. 'BENNE' which is being used for its cloud kitchen and/or outlet for an identical cuisine as that of the plaintiff's. A brief comparison of the trade marks of the plaintiff and the defendant is set out in para 33 of the plaint and the same is reproduced hereinbelow:-

Plaintiff's Trade Marks	Defendant's Manner of Use
BENNE/ BENNE-HERITAGE/ BANGALORE DOSA	BENNE DELHI



	
<u>Points of Similarity:</u> - The Defendant has copied and reproduces the trademark 'benne' of the Plaintiff in its entirety; - The use of 'benne' is identical and deceptively similar, resulting in the same visual, phonetic, and conceptual impression, and a likelihood of confusion and association; - The services provided by the Plaintiff and Defendant are identical and in respect of identical cuisine; and - An average consumer with an imperfect recollection is likely to be deceived into thinking that the Plaintiff has opened another benne outlet in Delhi, on account of the identity between the rival trade marks and the extensive expansion of the Plaintiff's 'benne' outlets.	

42. It is stated that upon conducting a search of the records maintained by the Trade Marks Registry, it was also discovered that in April 2026, the defendant had filed an application for the registration of the impugned mark



i.e.  in class 43, on a '*proposed to be used*' basis. Mr. Lall submits that this makes it evident that the defendant has not used the impugned mark prior to April 2026, and the plaintiff, on the basis of material placed on record, is indubitably the prior user of its mark '**benne**'.

43. Furthermore, the defendant's business is also registered under the impugned mark on various food delivery platforms, such as *Swiggy* and



Magicpin, and is also being advertised on social media platforms such as *YouTube* and *Instagram*. The relevant links and screenshots showing the presence of the defendant's outlet on the aforesaid platforms is set out in para 32 of the plaint.

44. It is stated that the defendant is operating in the same industry, offering identical services and cuisine under an identical mark. Moreover, the defendant's use of the impugned mark is detrimental to the distinctive character of the plaintiff's trademarks and it is obvious that the defendant has adopted the impugned mark with the intent to ride upon the goodwill and reputation as well as passing off of the plaintiff's well-known trademark **'benne'**.

45. Based on the above facts and circumstances, this Court is satisfied that the plaintiff has made out a *prima facie* case for grant of *ex parte ad interim* injunction till the next date of hearing. The balance of convenience is also in favour of an *ex parte ad interim* order being passed. I am satisfied that the plaintiff will suffer an irreparable loss and injury if *ex parte ad interim* injunction is not granted.

46. Accordingly, till the next date of hearing, the defendants, its directors, principals, proprietors, partners, officers, suppliers, assignees, employees, etc are restrained from using, offering its services, marketing, and advertising its business and/or allowing or permitting third parties to use, market and/or



advertise the trade mark BENNE and/or BENNE DELHI and/or and/or any other trade mark or name identical and/or similar to the plaintiff's



trade mark i.e. **benne** and its variants either as a trade mark, trade name, corporate name, domain name, social media handles or part thereof and/or in any other manner whatsoever so as to pass off its goods/services as and for the goods/services of the Plaintiff.

47. Issue notice. Notice be served upon the defendants by all permissible modes including speed post, courier, e-mail, etc.

48. The defendants may file a reply to the application within a period of four weeks. Rejoinder thereto, if any, be filed before the next date.

49. List before the learned Joint Registrar for completion of service and pleadings on 09.12.2026.

50. Provisions of Order XXXIX Rule 3 CPC be complied with *qua* the defendants within a period of two weeks and an affidavit of compliance be filed within one week thereafter.

51. List before Court on 09.02.2027.

VIKAS MAHAJAN, J

OCTOBER 16, 2026

nsa/ss