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

\# **CNR No. DLHC010532962026**

\+ CS(COMM) 1191/2026

MAHASHIAN DI HATTI PRIVATE LIMITED .....Plaintiff

Through: Mr. Neeraj Bhardwaj, Dr. Mohan Dewan, Mr. N.K. Bhardwaj, Mr. Rahul Maratha and Mr. Salil Oberoi, Advs.

versus

ASHOK KUMAR & ORS. .....Defendants

Through:

CORAM:
HON'BLE MR. JUSTICE VIKAS MAHAJAN

O R D E R

% 05.11.2026

I.A. 30507/2026 ***(by plaintiff under Order XI Rule 1(4) of the Commercial Courts Act, 2015 read with Section 151 CPC to file additional documents)***

1. The present application has been filed on behalf of the plaintiff seeking leave to place on record additional documents within a period of 30 days.

2. The plaintiff is 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.

3. The application is disposed of.

I.A. 30508/2026 ***(by plaintiff under Section 151 CPC seeking exemption from pre-institution mediation under Section 12A of Commercial Courts Act, 2015)***

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

5. 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 from the standpoint of plaintiff, the relief sought in the application under Order XXXIX Rules 1 and 2 CPC [I.A. 30506/2026] is plausibly urgent and genuinely contemplated, for the reasons recorded in detail while dealing with I.A. 30506/2026.

6. The application is, therefore, allowed and the plaintiff is exempted from pre-institution mediation.

7. The application stands disposed of.

I.A. 30509/2026 ***(by plaintiff under Section 151 CPC seeking exemption from serving defendants in advance)***

8. This is an application filed on behalf of the plaintiff seeking exemption from advance service to the defendants.

9. Having regard to the fact that an *ex parte* urgent relief has been sought in the present matter, the plaintiff is exempted from serving an advance copy of suit paper book to the defendants.

10. The application is allowed and disposed of.

I.A. 30510/2026 ***(by plaintiff under Section 151 CPC seeking impleadment)***

11. The present application has been filed on behalf of the plaintiff seeking impleadment of Ashok Kumar(s)/*John Doe(s)* as defendant no.1.

12. For the reasons mentioned in the application, the same is allowed.

13. The application is disposed of.

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14. The plaint be registered as suit.

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

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

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

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

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

20. List before the learned Joint Registrar for completion of service, pleadings, admission/denial of documents and marking of exhibits on 20.01.2027.

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

I.A. 30506/2026 ***(by plaintiff under Section 135(2) of the Trademarks Act, 1999 and Order XXXIX Rules 1 & 2 read with Section 151 CPC)***

22. This is an application filed under Order XXXIX Rules 1 & 2 CPC seeking *ex-parte ad interim* injunction.

23. The case set out in the plaint is that the plaintiff/Mahashian Di Hatti

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Private Limited, is one of India's oldest and reputed manufacturers and sellers of spices, spice mixes, condiments and allied food products, carrying on business under the well-known trademark "MDH"/ "", an acronym of "Mahashian Di Hatti".

24. It is stated that the plaintiff traces its origin to 1919, when Mahashay Chunnilal Gulati established the family spice business at Sialkot, then in British India. Following partition in 1947, the family relocated to Delhi, where his son, Mahashay Dharampal Gulati, revived the business from 1948 onwards and, in 1959, established a manufacturing facility at Kirti Nagar, New Delhi. The plaintiff company was incorporated on 30.12.1965 as "MAHASHIAN DI HATTI PRIVATE LIMITED".

25. It is contended that the plaintiff has continued to strengthen its presence through widespread retail and digital reach. In the year 2000, the plaintiff registered its official online domain as *www.mdhspices.com*, and apart from the present official website the plaintiff does not operate or endorse any other websites. Further, plaintiff's website and associated digital material contain original textual, graphical and artistic elements, including layout, graphical interface, colour combinations, icons, logos, banners, imagery and overall visual presentation, in which the plaintiff claims copyright protection under the Copyright Act, 1957.

26. It is also stated that plaintiff has engaged in a lot of promotional and advertising activities for promoting it's brand bearing his registered trademark. Printed page nos. 8 to 61 of the plaintiff's document contain various promotional and advertising materials published by the plaintiff over the past years.

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27. It is further contended that plaintiff is the bona fide proprietor of the well-known trademark "MDH" /" " and its formative marks, which have been continuously and extensively used for spices, spice mixtures, condiments, food products and allied goods for several decades. The plaintiff has thereby acquired statutory and common law rights, goodwill and source identifying significance in the said marks. The said registrations are valid and subsisting. Reproduced below are some of the Indian Trademark Registrations, as delineated in a tabular chart on printed page nos. 51 to 61 of the plaintiff's document:-

Indian Registrations				
S.No.	**Application No.**	**Trademark**	**Class**	**Date of Application**
1.	1041887	MDH {LABEL}	29	04/09/2001
2.	5140643	MDH PEACOCK KASOORI METHI 	29	21/09/2021
3.	3468510	MDH	29	30/01/2017
4.	6149031	MDH 	99 (29, 30, 43)	14/10/2023
5.	6149032	MDH 	99 (29, 30, 43)	14/10/2023
6.	6149033	MDH	99	14/10/2023

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			(29, 30, 43)	
7.	537400	MDH 	30	21/09/1990
8.	364154	CHAT MASALA MDH LABEL	30	23/07/1980
9.	773465	M D H (LABEL)	30	19/05/1997
10.	812922	MDH CHUNKY CHAT MASALA	30	03/08/1998
11.	1269587	MDH DEVICE	30	01/03/2004
12.	1281948	MDH (LABEL)	30	05/05/2004
13.	1281947	MDH (LABEL)	30	05/05/2004
14.	1281946	MDH (LABEL)	30	05/05/2004
15.	1300826	MDH RAJMAH MASALA (LABEL)	30	06/08/2004
16.	1300844	MDH CHICKEN MASALA (LABEL)	30	06/08/2004
17.	1300841	MDH MEAT KA MASALA (DEVICE)	30	06/08/2004

28. Moreover, it is submitted by the plaintiff that apart from Indian Trademark Registrations, plaintiff has also been granted various Global Registrations in different countries. Reproduced below are some of the Global Registrations, as delineated in a tabular chart on printed page nos. 70 to 75 of the plaintiff's document:-

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List Of Global Registrations						
S. No	***Application No***	***Date of Appl.***	***TM***	***Country***	***Class***	***Status***
1.	UK00902084770	February 13, 2001	MDH 	UK	30	Registered
2.	1611488	July 9, 2021	MDH 	Bahrain, Bhutan, Georgia, Indonesia, Iran, Kenya, Cambodia, South Korea, Norway, African Intellectual Property Organization, Oman, Russian Federation, Thailand, Vietnam	30	Registered
3.	1165833	March 14, 2007	MDH 	Australia	30	Registered
4.	TMA606289	February 22, 2001	MDH 	Canada	30, 31	Registered
5.	LK/T/253000	August 13, 2020	MDH 	Sri Lanka	30	Registered

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6.	002084770	February 13, 2001	MDH 	European Union	30	Registered
7.	559929	March 30, 2007	MDH 	Switzerland	30	Registered
8.	1037787	February 22, 2016	MDH DEGGI MIRCH CHILLI POWDER FOR CURRIES 	New Zealand	30	Registered
9.	2017064929	August 4, 2017	MDH DEGGI MIRCH CHILLI POWDER FOR CURRIES 	Malaysia	30	Registered
10.	T0706752J	March 29, 2007	MDH Deggi Mirch 	Singapore	30	Registered

29. It is contended that the plaintiff's  trademark has also acquired, the well-known status by reason of their extensive sales, promotional activities, consumer recognition and longstanding market presence in India and internationally. Reproduced below is the extract from

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the list of the trade mark registry including the plaintiff's mark as, well-known mark. The said declaration appears on the printed page no. 62 of the plaintiff's document at serial no. 300:-

297	(With reference of retail clothing company)	H & M HENNES & MAURITZ AB. MÄSTER SAMUELSGATAN 46A SE-106 38 STOCKHOLM SWEDEN.	Registrar of Trade Marks	N/A	The Registrar observed that the mark is well-known trade marks with reference to retail clothing company.
298	(With reference of commercial vehicle manufacture i.e. truck, buses)	DAIMLER INDIA COMMERCIAL VEHICLES PVT. LTD. SIPCOT INDUSTRIAL GROWTH CENTRE, ORAGADAM, MATHUR POST, SRIPERUMBUDUR TALUK, KANCHEEPURAM DISTRICT, CHENNAI602105.	Registrar of Trade Marks	N/A	The Registrar observed that the mark is well-known trade marks with reference to commercial vehicle manufacture i.e. truck, buses.
299	(With reference of electronic and electronic industrial device)	PANASONIC HOLDINGS CORPORATION 1006, OAZA KADOMA, KADOMA-SHI, OSAKA 571-8501, JAPAN.	Registrar of Trade Marks	N/A	The Registrar observed that the mark is well-known trade marks with reference to electronic and electronic industrial device.
300	(With reference of spices and condiments)	MAHASHIAN DI HATTI PRIVATE LIMITED 9/44, KIRTI NAGAR INDUSTRIAL AREA, NEW DELHI- 110015.	Registrar of Trade Marks	N/A	The Registrar observed that the mark is well-known trade marks with reference to spices and condiments.
301	(With reference of manufacturer, wholesaler, retailer, licensor and distributor of apparel, shoes, handbags, accessories and fragrances)	BURBERRY LIMITED HORSEFERRY HOUSE, HORSEFERRY ROAD, LONDON SW1P 2AW, UNITED KINGDOM.	Registrar of Trade Marks	N/A	The Registrar observed that the mark is well-known trade marks with reference to manufacturer, wholesaler, retailer, licensor and distributor of apparel, shoes, handbags, accessories and fragrances.

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30. It is stated that the plaintiff for several decades, carried on extensive commercial activities under the mark "MDH"/ " " throughout India and in several countries. It's products are distributed through wholesalers, distributors, retailers, supermarkets, modem trade outlets, e-commerce platforms and export channels, resulting in substantial sales and turnover. Printed page no. 76 to 116 of the plaintiff's document contain various invoices from the past years, depicting plaintiff's sales.

31. Mr. Neeraj Bhardwaj, learned counsel of behalf of the plaintiff submits that during plaintiff's market investigation and online monitoring in April 2026, plaintiff came across defendants, who either individually or acting together, are involved in the creation, operation, maintenance, promotion, hosting, registration and/ or facilitation of various websites, domain names and online platforms unlawfully incorporating the plaintiff's well-known "MDH" / " " trademark and deceptively similar variants thereof. Through various websites, the unknown entities are falsely representing that it offers dealership, distributorship, franchise and/or business opportunities connected with the plaintiff and its "MDH" / products.

32. He submits that defendant no. 1 is presently impleaded as John Doe/ Ashok Kumar, being the person/ entity behind the creation, operation, control and/or management of the websites, domain names and online platforms which are infringing the plaintiff's trademark. Reproduced below is a tabulated chart, as delineated in paragraph 14 of the plaint, containing defendant no.1's infringing website names/domain names [hereinafter

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referred to as "impugned websites"] with the name of the respective Domain Name Registrar's (DNR) mentioned against them:

S. No.	*Infringing Domain Name*	*Domain Name Registrar (DNR)*
1.	https://mdhmasaladealership.in	HOSTINGER operations, UAB
2.	https://mdhspice.in	HOSTINGER operations, UAB
3.	https://mdhspicespvtltd.com	HOSTINGER operations, UAB
4.	https://mdhspicesdealership.online	GoDaddy.com, LLC
5.	https://mdhmasaladealership.info	GoDaddy.com, LLC

33. He further submits that these entities have also used misleading email addresses associated with the impugned websites and social-media listings for solicitation and communication. The principal email IDs identified by the plaintiff include *care@mdhmasaladealership.in, info@mdhspice.in, info@mdhspicespvtltd.com, info@mdhspicesdealership.online and care@mdhspice.org* [hereinafter referred to as "impugned email id's"]. Reproduced below is the tabulated chart, as delineated in paragraph 16 of the plaint giving the impugned email id's with the respective impugned websites of defendant no.1 mentioned against them:-

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S. NO.	DOMAIN NAMES	EMAIL ID
1.	https://mdhmasaladealership.in	care@mdhmasaladealership.in
2.	https://mdhspice.in	info@mdhspice.in
3.	https://mdhspicespvtltd.com	info@mdhspicespvtltd.com
4.	https://www.mdhspicesdealership.online	info@mdhspicesdealership.online

34. Further defendant nos. 2-4 are representing/ offering dealership/ distributorship/ business opportunities under the name and style of the plaintiff and/or by falsely using the plaintiff's trademark without any permission, consent or authorization from the plaintiff. Defendant no. 2 is the website/ domain https://mdhmasalas.com/, defendant no. 3 is the website/ domain https://mdhspicesdealership.com/ and defendant no. 4 is the Facebook page/profile accessible at https://www.facebook.com/people/Mdh-Spices-PvtLtd/61587351247076/# [hereinafter also referred to as 'impugned websites']. Reproduced below is a tabulated chart, as given in paragraph 24 of the plaint, containing infringing website names/domain names of defendant nos.2 and 3 with the name of the respective Domain Name Registrar's (DNR) mentioned against them:

S. No.	Infringing Domain Name	Domain Name Registrar (DNR)
1.	https://mdhmasalas.com	GoDaddy.com, LLC
2.	https://mdhspicesdealership.com	Hosting Concepts B.V.

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35. Defendant no. 5/Hostinger Operations UAB, defendant no. 6/Hosting Concepts B.V and defendant no. 7/GoDaddy.com LLC, are the concerned Domain Name Registrars ("DNRs") which are impleaded as intermediaries through whom the impugned websites /domain names forming part of the present proceedings, have been registered and/or maintained.

36. Further defendant no. 8/Department of Telecommunications ("DoT"), defendant no. 9/National Internet Exchange of India ("NIXI"), and defendant no. 10/Ministry of Electronics and Information Technology ("MeitY"), are impleaded as proforma parties for effective implementation of this Court's orders concerning blocking, suspension or restriction of access to the impugned websites/domain names and mail id's.

37. Furthermore, it is submitted that the operators of the impugned platforms have, with a view to falsely establish an apparent connection with the plaintiff, mentioned the plaintiff's address on the said impugned websites/platforms, including the registered address of the plaintiff as mentioned in the memo of parties i.e. *9/44, Kirti Nagar Industrial Area, New Delhi-110015*, thereby making the representations contained therein appear genuine and authorised. The unauthorised use and display of the plaintiff's address further aggravate the likelihood of confusion and deception amongst members of the public and prospective dealers/distributors of the plaintiff.

38. Therefore, it is submitted that the defendants' adoption of the plaintiff's registered trademark is dishonest and mala fide. The resemblance between the plaintiff's mark/domain name and the impugned websites/domain names is such, as to cause confusion and deception among persons of ordinary prudence and imperfect recollection. The defendants are thereby passing off their activities as those of, or connected with, the plaintiff and taking unfair advantage of the reputation subsisting in "MDH"

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/“”. Such false representation is also likely to induce unsuspecting consumers and prospective dealers/distributors to believe that the impugned dealership/distributorship opportunities are duly authorised by the plaintiff and, acting upon such representation, part with and/or invest their money with the defendants, thereby exposing them to financial loss and simultaneously causing grave harm to the Plaintiffs goodwill and reputation.

39. Having considered the submissions of the learned counsel for the plaintiff and having perused the averments in the plaint and documents annexed thereto, this court is *prima facie* satisfied that the defendant nos. 1-4, by making unauthorized use of the plaintiff's trademarks and copyrighted works has infringed the plaintiff's Intellectual property, and their continued presence would cause prejudice and harm the business of the plaintiff, and mislead customers who are oblivious of the fact that all the mentioned impugned websites/domain names/email id's does not belong to the plaintiff.

40. This Court is therefore satisfied that the balance of convenience is in favour of the plaintiff and irreparable loss would be caused if an *ex parte ad interim* injunction is not granted.

41. Accordingly, till the next date of hearing, the following directions are passed:

(a) Defendant nos. 1 to 4, their principals, agents, employees, representatives, assigns, associates and all persons acting for or on their behalf are restrained from using, reproducing, adopting, registering or otherwise dealing with the plaintiff's well-known and registered trademark "MDH"/ “”; or any identical,

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deceptively similar or formative variant thereof, in relation to any goods, services, business activities, advertisements, promotional material, domain names, websites, email addresses or online/social-media platforms, in a manner amounting to infringement of the plaintiff's statutory and proprietary rights;

(b) Defendant nos. 1 to 4 are restrained from passing off, or enabling the passing off of, their goods, services, business, offerings or activities as those of the plaintiff, or as being connected, affiliated, sponsored, endorsed, authorised or otherwise associated with the plaintiff;

(c) Defendant nos. 5 to 7, being the concerned Domain Name Registrars (DNR) are directed to lock, suspend and disable the impugned websites/domain names and email id's as mentioned in paragraph nos. 32 to 34 of this order within 72 hrs of being communicated a copy of this order by the plaintiff as well as disclose the complete details and file the complete KYC documents and BSI (Basic Subscriber information) of the impugned websites/domain names and email id's. Defendant nos. 5 to 7 will file an affidavit of compliance within two (2) weeks thereafter.

(d) Defendant no. 8/Department of Telecommunications ("DoT"), defendant no. 9/National Internet Exchange of India ("NIXI"), and defendant no. 10/Ministry of Electronics and Information Technology ("MeitY") are directed to issue notifications/directions to defendant nos. 5 - 7 to ensure compliance of the orders passed by this Court.

42. Plaintiff is also been given the liberty to implead any other domain/website/mail id, if discovered, by filing an application under Order I

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Rule 10 CPC, based on which the learned Joint Registrar (J) may extend the order passed today, in respect of the new website(s)/Domain name(s) or mail id(s), so discovered.

43. Issue notice.

44. Notice be served upon the defendants by all permissible modes including speed post, courier, e-mail, etc. upon filing of process fee.

45. 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.

46. List before the learned Joint Registrar for completion of service and pleadings on 20.01.2027.

47. Provisions of Order XXXIX Rule 3 CPC be complied with *qua* the defendants within a period of three weeks from today and affidavit of compliance be filed within a period of one week thereafter.

48. List before Court on 19.02.2027.

VIKAS MAHAJAN, J

NOVEMBER 5, 2026
aj/AA

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