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

\# **CNR No. DLHC010152122026**

\+ CS(COMM) 392/2026

M/S KAKAS HOSPITALITY .....Plaintiff

Through: Mr. Nitin Sharma, Mr. Sudarshan MJ and Ms. HarrshitaPothiraj, Advocates.

versus

KAKE DAA HOTEL THROUGH PROPRIETOR MS SEEMA BHATIA & ORS. .....Defendants

Through: Mr. Sarthak Sharma, Advocate for D7.

CORAM:
HON'BLE MR. JUSTICE TEJAS KARIA

O R D E R

% 06.11.2026

I.A. No. 30902/2026 (Additional Documents)

1. This is an Application filed on behalf of the Plaintiff under Order XI Rule 1(5) of the Code of Civil Procedure, 1908 ("**CPC**") read with Section 151 of the CPC seeking leave to file additional documents.

2. It is submitted by learned Counsel for the Plaintiff that the Plaintiff had produced all documents that were in its power, possession, control, or custody, in relation to the facts and circumstances pertaining to the proceedings of the present Suit, at the time of filing the Suit. However, the documents that are now sought to be filed along with I.A. No. 30982/2026 pertain to listings that have been made available on Defendant No. 7's online platform only recently and were, accordingly, not in the power, possession, control, or custody of the Plaintiff at the time of filing of the Suit. Therefore, the Plaintiff seeks leave to file additional documents along with I.A. No. 30982/2026.

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3. Having considered the averments made in the Application as well as the submissions made on behalf of the Plaintiff, the present Application is allowed. The additional documents filed along with I.A. No. 30982/2026 are taken on record.

4. Accordingly, the Application stands disposed of.

I.A. No. 30982/2026 (O-XXXIX R-1 & 2 r/w Section 151 of the CPC)

5. The present Application has been filed on behalf of the Plaintiff under Order XXXIX Rules 1 and 2 read with Section 151 of the CPC seeking directions against Defendant No. 7, *Eternal Limited* (formerly known as *Zomato Limited*), which operates the online food delivery platform 'Zomato' ("**Zomato**"), to take down further infringing listings made available on its platform and to disclose the particulars of Defendant Nos. 1, 2, 3 and 5 and of the persons operating such listings.

6. Issue Notice. Learned Counsel for Defendant No. 7 accepts Notice. Let Notice be issued to the remaining Defendants through all permissible modes upon filing of the process fee.

7. *Vide* order dated 15.04.2026 ("**Interim Order**"), this Court granted an *ex parte ad-interim* injunction restraining Defendant Nos. 1 to 6, including John Doe, from offering their services, offline and online, under the marks KAKE DAA HOTEL / KAKA KA HOTEL / KAKE KA HOTEL / KAKE KA DHABA / KAKAS DA HOTEL / KAKA'S KABAB 'N' CHICKEN / KAKA DA DHABA / KAKE KA DHABA 1989 / KAKU DA DHABA, or any other mark identical or deceptively similar to the Plaintiff's marks KAKE-DA-HOTEL / KAKE-DA, and directed Defendant No. 7 to take down / block / deactivate the URLs set out in Annexure-A to the Interim Order. The Interim Order was continued *vide* order dated 21.07.2026.

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8. Learned Counsel for the Plaintiff made the following submissions:

8.1. Out of the six entities whose listings were directed to be taken down under the Interim Order, Defendant Nos. 3 and 6 have relisted on Zomato under different URLs, bearing the same postal addresses as their earlier listings. Defendant No. 3 is now listed as "*Kaka's Kabab 'N' Chicken*" and "*Kaka's Chicken Mutton Kebab Point*", and Defendant No. 6 as "*KAKU PIZZA AND BURGER*", in breach of the Interim Order.

8.2. The Plaintiff has not been able to complete service upon Defendant Nos. 1, 2, 3 and 5. The addresses of these Defendants in the Memo of Parties were obtained from their listings on Zomato and from their invoices, and the Plaintiff has no other particulars of them. Their complete details, including names, contact numbers, e-mail addresses, FSSAI licence numbers, GSTIN / PAN and bank account / payment settlement details linked to their listings, are available only with Defendant No. 7. These particulars are necessary to effect service through alternate modes such as e-mail and WhatsApp and to ensure effective compliance with the Interim Order.

8.3. The Plaintiff has further come across new listings on Zomato ("**New Listings**") under names such as "*Kaka Da Dhaba*", "*Kake Da Dhaba*", "*Kake Da Chicken*", "*Kake Da Punjabi Dhaba*" and "*Kake Da Express*", which adopt 'KAKE-DA', the essential part of the Plaintiff's mark KAKE-DA-HOTEL, in relation to identical services, i.e., restaurants serving Indian and Mughlai cuisine, on the same platform on which the Plaintiff has operated for several

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years. The New Listings have been made available without any authority or licence from the Plaintiff.

8.4. Approximately 81 of the New Listings are operated as cloud kitchens, and it is unclear whether the persons operating them have any physical presence or whether the addresses displayed on Zomato are accurate. The Plaintiff is, therefore, not in a position to identify and implead such persons and is not aware whether they are connected with Defendant Nos. 1 to 6.

8.5. The New Listings require urgent takedown in view of the anticipated increase in orders during the ongoing festive season, as their continued presence is likely to divert customers who are misled into believing that these restaurants belong to, or are associated with, the Plaintiff.

9. Learned Counsel for Defendant No. 7 submitted that Defendant No. 7 shall comply with the direction to take down the New Listings identified by the Plaintiff and to disclose all information available with it in respect of Defendant Nos. 1, 2, 3 and 5 and the New Listings.However, learned Counsel for Defendant No. 7 sought time of two weeks due to ensuing holidays.

10. Having considered the submissions made on behalf of the Parties, this Court is of the *prima facie* view that the Plaintiff has made out a case for taking down the New Listingsas well as the fresh listings of Defendant Nos. 3 and 6, which have been made available to circumvent the Interim Order. The fresh listings of Defendant Nos. 3 and 6 bear the same postal addresses as their earlier listings directed to be taken down under the Interim Order. Defendant No. 3 is now listed as "*Kaka's Kabab 'N' Chicken*" and "*Kaka's Chicken Mutton Kebab Point*", whereas Defendant No. 6 is listed as "*KAKU PIZZA AND BURGER*", in violation of the Interim Order.

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11. Further, as submitted by learned Counsel for the Plaintiff,service upon Defendant Nos. 1, 2, 3 and 5 is yet to be effected as their addresses set out in the Memo of Parties, obtained from their listings on Zomato and their invoices, are inaccurate.Accordingly, their complete particulars, including names, contact numbers, e-mail addresses, FSSAI licence numbers, GSTIN / PAN and bank account details linked to their listings, to the extent available with Defendant No. 7, are required to be disclosed in a password-protected document or a sealed envelope to enable service through alternative modes, including e-mail and WhatsApp, and to ensure effective compliance with the Interim Order.

12. Accordingly, till the next date of hearing, it is directed that:

i. Defendant No. 7 shall take down / block / delist / deactivate the listings set out in **Annexure-A** to this Order within a period of two weeks; and

ii. Defendant No. 7 shall disclose to the Plaintiff the complete particulars available with it of Defendant Nos. 1, 2, 3 and 5 and of the persons operating the listings set out in **Annexure-A** to this Order, including their names, contact numbers, e-mail addresses, postal addresses, FSSAI licence numbers, GSTIN / PAN and bank account details linked to the respective listings, in a password-protected document or in a sealed envelope, within a period of two weeks.

13. Let Reply to the Application be filed within four weeks. Rejoinder thereto, if any, be filed before the next date of hearing.

14. List before this Court on 23.02.2027.

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I.A. No. 10183/2026 (O-XXXIX R-1 & 2 r/w Section 151 of the CPC)

15. List along with I.A. No. 30982/2026 on 23.02.2027.

16. Interim orders to continue till the next date of hearing.

TEJAS KARIA, J

NOVEMBER 6, 2026
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ANNEXURE-A

Listings on the platform of Defendant No. 7 to be taken down

Table 1: New Listings (S. No. 1 to 129)

S. No.	Listing ID	Listing Name	Link
1.	19675387	Kaka Da Burger	zoma.to/r/19675387
2.	21096425	Kaka Da Desi Ghee Mutton Special	zoma.to/r/21096425
3.	20678382	Kaka Da Dhaaba	zoma.to/r/20678382
4.	20179967	Kaka Da Dhaba	zoma.to/r/20179967
5.	22279563	Kaka Da Dhaba	zoma.to/r/22279563
6.	22088240	Kaka da dhaba	zoma.to/r/22088240
7.	22079351	Kaka da dhaba	zoma.to/r/22079351
8.	22050833	Kaka da dhaba	zoma.to/r/22050833
9.	18647942	Kaka Da Dhaba	zoma.to/r/18647942
10.	22150305	Kaka Da Dhaba	zoma.to/r/22150305
11.	22483364	Kaka Da Dhaba	zoma.to/r/22483364
12.	22375722	kaka da dhaba	zoma.to/r/22375722
13.	22668178	Kaka da dhaba	zoma.to/r/22668178
14.	22841236	Kaka Da Dhaba	zoma.to/r/22841236
15.	19186838	Kaka Da Dhaba	zoma.to/r/19186838
16.	22174925	Kaka da dhaba	zoma.to/r/22174925
17.	20835766	KaKa Da Dhaba	zoma.to/r/20835766
18.	19138100	Kaka Da Dhaba	zoma.to/r/19138100
19.	20416792	Kaka Da Dhawa	zoma.to/r/20416792
20.	20059296	Kaka Da Food	zoma.to/r/20059296
21.	20838264	Kaka Da Special Dhaba	zoma.to/r/20838264
22.	21781529	Kaka Da Swaad	zoma.to/r/21781529
23.	19192572	Kaka DaalPakwan	zoma.to/r/19192572
24.	19242607	Kaka Dabeli	zoma.to/r/19242607
25.	21839684	Kaka Dabeliwala	zoma.to/r/21839684
26.	19504174	Kaka Dairy Farm	zoma.to/r/19504174
27.	20319584	Kaka Darbar Biryani	zoma.to/r/20319584
28.	21788230	Kake da Aamritsari kulcha	zoma.to/r/21788230
29.	22559712	Kake Da Butter Chicken	zoma.to/r/22559712
30.	21760230	Kake da Cafe	zoma.to/r/21760230
31.	19465122	Kake Da Chicken	zoma.to/r/19465122
32.	22572387	Kake Da Chicken	zoma.to/r/22572387
33.	21093792	Kake Da Chicken	zoma.to/r/21093792

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S. No.	Listing ID	Listing Name	Link
34.	19743708	Kake Da Curries	zoma.to/r/19743708
35.	22851063	Kake da dabha	zoma.to/r/22851063
36.	20675788	Kake Da Darbar	zoma.to/r/20675788
37.	21276857	Kake Da Dhaba	zoma.to/r/21276857
38.	19987934	Kake Da Dhaba	zoma.to/r/19987934
39.	19945434	Kake Da Dhaba	zoma.to/r/19945434
40.	19574681	Kake Da Dhaba	zoma.to/r/19574681
41.	21302199	Kake Da Dhaba	zoma.to/r/21302199
42.	18980484	Kake Da Dhaba	zoma.to/r/18980484
43.	19144421	Kake Da Dhaba	zoma.to/r/19144421
44.	21317361	Kake Da Dhaba	zoma.to/r/21317361
45.	21297611	Kake Da Dhaba	zoma.to/r/21297611
46.	22224343	Kake Da Dhaba	zoma.to/r/22224343
47.	20017463	Kake Da Dhaba	zoma.to/r/20017463
48.	21466318	Kake Da Dhaba	zoma.to/r/21466318
49.	19810939	Kake Da Dhaba	zoma.to/r/19810939
50.	19759581	Kake Da Dhaba	zoma.to/r/19759581
51.	18523423	Kake Da Dhaba	zoma.to/r/18523423
52.	22028406	Kake da dhaba	zoma.to/r/22028406
53.	19279571	Kake Da Dhaba	zoma.to/r/19279571
54.	20921337	Kake Da Dhaba	zoma.to/r/20921337
55.	20006238	Kake Da Dhaba	zoma.to/r/20006238
56.	20642478	Kake Da Dhaba	zoma.to/r/20642478
57.	18931942	Kake Da Dhaba	zoma.to/r/18931942
58.	19839895	Kake Da Dhaba	zoma.to/r/19839895
59.	20817082	Kake Da Dhaba	zoma.to/r/20817082
60.	19865374	Kake Da Dhaba	zoma.to/r/19865374
61.	19138377	Kake Da Dhaba	zoma.to/r/19138377
62.	21276928	Kake Da Dhaba	zoma.to/r/21276928
63.	19222306	Kake Da Dhaba	zoma.to/r/19222306
64.	18994880	Kake Da Dhaba	zoma.to/r/18994880
65.	20892195	Kake Da Dhaba	zoma.to/r/20892195
66.	21294627	Kake Da Dhaba	zoma.to/r/21294627
67.	21782799	Kake Da Dhaba	zoma.to/r/21782799
68.	19739224	Kake Da Dhaba	zoma.to/r/19739224
69.	19198056	Kake Da Dhaba	zoma.to/r/19198056
70.	22607638	Kake Da Dhaba	zoma.to/r/22607638
71.	20644494	Kake Da Dhaba	zoma.to/r/20644494

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S. No.	Listing ID	Listing Name	Link
72.	22574560	Kake Da Dhaba	zoma.to/r/22574560
73.	19130615	Kake Da Dhaba	zoma.to/r/19130615
74.	19200005	Kake Da Dhaba	zoma.to/r/19200005
75.	19229198	Kake Da Dhaba	zoma.to/r/19229198
76.	20296987	Kake Da Dhaba	zoma.to/r/20296987
77.	21746079	Kake da dhaba	zoma.to/r/21746079
78.	19090593	Kake Da Dhaba	zoma.to/r/19090593
79.	20069268	Kake Da Dhaba	zoma.to/r/20069268
80.	22543803	Kake Da Dhaba	zoma.to/r/22543803
81.	20760686	Kake Da Dhaba	zoma.to/r/20760686
82.	22682761	Kake Da Dhaba	zoma.to/r/22682761
83.	21308748	Kake Da Dhaba	zoma.to/r/21308748
84.	22212440	Kake Da Dhaba	zoma.to/r/22212440
85.	22733716	Kake Da Dhaba	zoma.to/r/22733716
86.	20823762	Kake Da Dhaba	zoma.to/r/20823762
87.	22556198	Kake Da Dhaba	zoma.to/r/22556198
88.	21955523	Kake Da Dhaba	zoma.to/r/21955523
89.	21546516	Kake Da Dhaba - Since 1998	zoma.to/r/21546516
90.	20022474	Kake Da Dhaba & Fast Food	zoma.to/r/20022474
91.	21767644	Kake Da Dhaba & Restaurant	zoma.to/r/21767644
92.	20078196	Kake Da Dhaba 1963	zoma.to/r/20078196
93.	20433215	Kake Da Dhaba Handi Mutton House	zoma.to/r/20433215
94.	19159491	Kake Da Dhaba Hotel Abhinandan	zoma.to/r/19159491
95.	22491379	Kake Da Dhaba Since 1992	zoma.to/r/22491379
96.	22578863	Kake Da Dhabba	zoma.to/r/22578863
97.	22575124	Kake da dhabba	zoma.to/r/22575124
98.	22578430	Kake da dhabba	zoma.to/r/22578430
99.	22574702	Kake da dhabba	zoma.to/r/22574702
100.	21094776	Kake Da Express	zoma.to/r/21094776
101.	21356473	kake da food hub	zoma.to/r/21356473
102.	21360259	Kake Da Handi Champaran Meat	zoma.to/r/21360259
103.	19702089	Kake Da Kitchen	zoma.to/r/19702089

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S. No.	Listing ID	Listing Name	Link
104.	21016458	Kake Da Kulcha	zoma.to/r/21016458
105.	21239590	Kake Da Kulcha	zoma.to/r/21239590
106.	20523998	Kake Da Minar	zoma.to/r/20523998
107.	19567397	Kake Da Minar	zoma.to/r/19567397
108.	21926622	Kake Da Online Dhaba	zoma.to/r/21926622
109.	20949373	Kake Da Paratha	zoma.to/r/20949373
110.	22534926	Kake Da Paratha And Cafe	zoma.to/r/22534926
111.	22711103	Kake Da Pind	zoma.to/r/22711103
112.	22537301	Kake Da Pind	zoma.to/r/22537301
113.	21650992	Kake Da Pind	zoma.to/r/21650992
114.	21296581	Kake Da Puff	zoma.to/r/21296581
115.	22436575	Kake Da Punjabi Dhaba	zoma.to/r/22436575
116.	22848672	Kake da punjabidhaba	zoma.to/r/22848672
117.	22841521	Kake da punjabidhaba	zoma.to/r/22841521
118.	19695501	Kake Da Punjabi Dhabba	zoma.to/r/19695501
119.	19548399	Kake Da Punjabi Dhabba	zoma.to/r/19548399
120.	18595780	Kake Da Punjabi Dhabba	zoma.to/r/18595780
121.	21041597	Kake Da Punjabi Swad	zoma.to/r/21041597
122.	21819098	KAKE DA RASOI	zoma.to/r/21819098
123.	20000837	Kake Da Sandwich	zoma.to/r/20000837
124.	21832968	Kake Da Tandoor	zoma.to/r/21832968
125.	21499865	Kake Da Tandoor	zoma.to/r/21499865
126.	19918039	Kake Da Tandoori Paratha	zoma.to/r/19918039
127.	21054261	Kake Da Zaika	zoma.to/r/21054261
128.	21628644	Kake Daa dhaba	zoma.to/r/21628644
129.	21630826	Kake daadhaba	zoma.to/r/21630826

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Table 2: Fresh listings of Defendant Nos. 3 and 6 (S. No. 130 to 132)

S. No.	Defendant	Relevant listing identified in Annexure A of the Interim Order	New listings made available on Zomato
130.	Defendant No. 3	'KAKAS DA HOTEL' and "KAKAS KABAB 'N' CHICKEN" https://zomato.onelink.me/xqzv/xft14ozr (Inactive)	Kaka's Kabab 'N' Chicken: https://www.zomato.com/ncr/kakas-kabab-n-chicken-sector-16b-noida
131.			Kaka's Chicken Mutton Kebab Point: https://www.zomato.com/ncr/kakas-chicken-mutton-kebab-point-sector-16b-noida
132.	Defendant No. 6	'KAKU DA DHABA' https://zomato.onelink.me/xqzv/3x3rpjo3 (Inactive)	KAKU PIZZA AND BURGER: https://www.zomato.com/ncr/kaku-pizza-burger-sector-17-gurgaon

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