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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ CS(COMM) 217/2020, I.As. 5109/2020, 5110/2020, 5111/2020 &
5112/2020

DELHIVERY PRIVATE LIMITED

..... Plaintiff

Through: Mr. Neeraj Grover and Mr. Mahir
Malhotra, Advs.

versus

TREASURE VASE VENTURES PRIVATE LIMITED

..... Defendant

Through:

CORAM:

HON'BLE MR. JUSTICE V. KAMESWAR RAO

ORDER

% **03.07.2020**

This matter is being heard through video-conferencing.

I.A. 5111/2020 (for exemption)

Exemption allowed subject to all just exceptions.

Application stands disposed of.

I.A. 5110/2020 (by plaintiff seeking permission to file additional documents, if any, at the time of filing of the replication and / or at further stage of the proceedings)

For the reasons stated in the application, the same is allowed and the plaintiff is granted four weeks to file additional documents, if any.

Application is disposed of.

I.A. 5112/2020 (by plaintiff seeking exemption from filing court fee for a

period of 30 days from the filing of the present suit)

For the reasons stated in the application, the same is allowed.

Subject to the applicant / plaintiff filing the necessary Court fee within 72 hrs from the date of resumption of regular functioning of the Court, as mandated in terms of Office Order dated April 04, 2020 issued by this Court, exemption from filing the requisite court fees is granted.

Application is disposed of.

CS(COMM) 217/2020

1. Summons be issued in the suit to the defendant, returnable before Joint Registrar on September 28, 2020.
2. Summons shall state that the written statement shall be filed by the defendant within 30 days from the date of receipt of summons. The defendant shall file his affidavit of admission and denial of documents filed by the plaintiff. Replication shall be filed within 30 days of the receipt of the, written statement / documents. The replication shall be accompanied by the affidavit of admission denial of documents filed on behalf of the defendants.
3. If any of the parties wish to seek inspection of any documents, the same shall be sought and given within the time lines.

I.A. 5109/2020 (by plaintiff under Order XXXIX Rules 1 and 2 CPC)

4. Issue notice to the defendant, returnable on September 22, 2020.
5. It is the case of the plaintiff and so submitted by Mr. Neeraj Grover, that the plaintiff company was initially formed as SSN Logistics Private Limited in the year 2011. Thereafter, the plaintiff started extensively using the trademark DELHIVERY and other variants under the name and trading style of the plaintiff. The name of the company was changed its name from SSN Logistics Private Limited to DELHIVERY PRIVATE LIMITED. In the year 2015, the plaintiff company extended its operation to more than 350 locations and in fact had established a warehouse in Dubai and it has a team of 15,000 people who perform the services for which the plaintiff company has been formed.
6. Between 2014-18 the plaintiff secured various Trademark registrations for its trademark DELHIVERY and other formatives in various classes. It also got copyright registration for its artistic labels for the mark DELHIVERY (Device marks). It was in the month of May 2020, one of the employee of the plaintiff's company noticed a boxed E-Rickshaw with defendant's mark DELIVERE on it around Chhattarpur Area, Delhi. In this regard, Mr Grover has drawn my attention to pages 350-351 of the documents. Similarly, another employee noticed another boxed E-Rickshaw

using the impugned mark around Dwarka, Delhi. It is the submission of Mr. Grover that after an online search it was noticed that the impugned mark was pending registration under application No.4453232 in Class 39 claiming since February 17, 2020 and belongs to an entity by the name and style Treasure Vase Ventures Private Limited.

7. Mr. Grover also states that in the last financial year the total sales figures of the plaintiff was around Rs.2796.86 Crores. He states that the defendant is using impugned mark in the same class / services.

8. Noting the above submissions and perusing the documents as pointed out by Mr. Grover during the course of submissions, it is clear that the plaintiff has made out a *prima facie* case for grant of ad-interim injunction.

9. Accordingly, the defendant, their partners / proprietor(s), their agents / stockiest(s) / dealers, representatives and / or others acting for and on their behalf are restrained from manufacturing, selling and / or offering for sale directly or indirectly dealing in the any goods / services under the impugned mark DELIVERE  which is identical / deceptively similar to the plaintiff's registered

trademarks DELHIVERY



and any other mark which may be identical and / or

deceptively similar to the plaintiff's trade mark(s)
DELHIVERY and / or restrain the defendant from advertising /
displaying their goods / services under DELIVERE 
any other mark which may be identical and / or deceptively similar to the
plaintiff's trade mark(s) till the next date of hearing.

10. Let the provisions of Order XXXIX Rule 3 CPC be complied within
two weeks from today.

V. KAMESWAR RAO, J

JULY 03, 2020/aky