



\$~53

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

+ **CS(COMM) 791/2025 & I.A. 18779-18784/2025**

HAVELI RESTAURANT AND RESORTS LTDPlaintiff

Through: Mr. Rishi Bansal, Mr. Akash
Chaudhary and Mr. Mankaran Singh
Ahluwalia, Advocates

versus

ADISON RESORTS LIMITEDDefendant

Through: None

CORAM:

HON'BLE MS. JUSTICE MANMEET PRITAM SINGH ARORA

ORDER

% **19.08.2025**

I.A. 18781/2025

1. This is an application under Section 151 of the Code of Civil Procedure, 1908 seeking exemption from filing certified copies, translated copies of certain documents [details whereof are mentioned at paragraph no. 2 of this application].

2. Plaintiff shall file translated, legible and certified copies of the exempted documents, compliant with practice rules, before the next date of hearing.

3. In view of the aforesaid, this application stands disposed of.

I.A. 18782/2025

4. The present application has been filed by the Plaintiff seeking exemption from instituting pre-litigation mediation under Section 12A of the



Commercial Courts Act, 2015 [‘Act of 2015’] read with Section 151 of CPC.

5. Having regard to the facts of the present suit contemplates urgent interim relief and in light of the of the Supreme Court in **Yamini Manohar v. T.K.D. Keerthi**¹, exemption from the requirement of pre-institution mediation is granted to the Plaintiff.

6. Accordingly, this application stands disposed of.

I.A. 18784/2025

7. This is an application under Section 151 CPC, filed by the Plaintiff seeking exemption from effecting advance service on the Defendant.

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

9. Accordingly, this application stands disposed of.

CS(COMM) 854/2025

10. Let the plaint be registered as a suit.

11. Summons be issued to the Defendant by all permissible modes on filing of process fee. Affidavit of service be filed within two (2) weeks.

12. The summons shall indicate that the written statement must be filed within thirty (30) days from the date of receipt of the summons. The Defendant shall also file affidavit of admission/denial of the documents filed by the Plaintiff, failing which the written statement shall not be taken on record.

13. The Plaintiff is at liberty to file replication thereto within thirty (30) days after filing of the written statement. The replication shall be accompanied by affidavit of admission/denial in respect of the documents

¹ (2024) 5 SCC 15.



filed by Defendant, failing which the replication shall not be taken on record.

14. The parties shall file all original documents in support of their respective claims along with their respective pleadings. In case parties are placing reliance on a document, which is not in their power and possession, its detail and source shall be mentioned in the list of reliance, which shall also be filed with the pleadings.

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

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

17. List before the learned Joint Registrar (J) for completion of services and pleadings on **26.09.2025**.

18. List before the Court on **17.02.2026**.

I.A. 18779/2025

19. This is an application under Order XXXIX Rules 1 and 2 CPC seeking ex-parte ad interim injunction in favour of the Plaintiff and against the Defendant.

20. The case set up by the Plaintiff in the plaint, may be summarised as under: -

20.1. The Plaintiff – M/s Haveli Restaurant & Resorts Ltd, has been operating its business extensively, with its restaurants and related services enjoying widespread recognition across multiple locations in India.

20.2. The Plaintiff has consistently and extensively utilized the mark HAVELI and its derivatives in commerce since 2001, firmly establishing it as a distinctive identifier of origin for its goods and services in the food and



hospitality sector. The details of the Plaintiff's registered trademarks and applied for trademarks are provided at paragraph no. 07 of the plaint.

20.3. The Plaintiff has employed its HAVELI trademark in a distinctive and visually recognizable manner across trade dress, packaging, branding materials, websites and promotional content specifically represented as



falling under Classes 16, 29, 30, 31, 35 and 43 [hereinafter collectively referred to as 'trademark/label/trade-dress/artistic work/packaging/combination of colours']. The mark is prominently represented in English, Punjabi, and Hindi, reinforcing its cultural significance and widespread recognition. The aforementioned artistic work embodied in the Plaintiff's trademark, label, trade dress, packaging, and combination of colours constitutes original works as defined under the Copyright Act, 1957.

20.4. The Plaintiff has been continuously using these original artistic elements in the course of trade, ensuring their association with the Plaintiff's goods and services. By virtue of this use, the Plaintiff has accrued valuable goodwill, recognition, and reputation in the market.

20.5. The Plaintiff is the rightful owner and proprietor of these artistic elements, having developed them exclusively for use in connection with the said goods. The Plaintiff has secured copyright registration for 'STANDARD OF PRACTICE AT HAVEL/ RESTAURANT & RESORTS LIMITED' as a literary work under Registration No. L-135510/2023, thereby further establishing its proprietary rights.



20.6. The Plaintiff's turnover for the year 2023-2024 was Rs.151.54 crores. The details of plaintiff's turnover for the years 2002-2024 are provided in paragraph no. 11 of the plaint.

20.7. The Plaintiff's trade mark HAVELI has garnered substantial goodwill, particularly in North India, where the Plaintiff's goods and services have been consistently available at multiple locations. Consequently, the mark has acquired secondary meaning and is regarded as a well-known and exclusive brand within the industry.

20.8. It is averred in the plaint, that the Plaintiff holds superior rights in the HAVELI mark under the well-established principles of 'prior use', by virtue of prior and uninterrupted use, which grants proprietary rights to the first commercial use of a mark, irrespective of formal registration.

20.9. The Plaintiff has widespread use of the mark HAVELI and during the course of business, the Plaintiff is now running five (5) establishments such as HAVELI at Murthal, Jalandhar, Curo Highstreet-Jalandhar, Amritsar, and Ranjit Avenue-Amritsar. The pictures of the Plaintiff's aforesaid outlets are inserted at paragraph no. 14 of the plaint.

20.10. The Plaintiff has actively cultivated and expanded the HAVELI brand's visibility through a dedicated digital presence, ensuring widespread recognition and direct engagement with its clientele. The Plaintiff operates an official website, accessible at <https://haveli.co/>, which serves as a central hub for information regarding the goods and services offered under the HAVELI mark. The details of Plaintiff's presence across the aforesaid social media platforms are provided at paragraph no. 16 of the Plaint.

20.11. The Defendant - Adison Resorts limited, has only recently sought to register the mark PUNJABI HAVELI on a 'proposed to be used' basis,



which is subsequent to the Plaintiff's long- standing and continuous use of the 'HAVELI' mark, under Application no. 6013898 in class 43, filed on 10.07.2023. The said application pertains to services relating to providing food and drink and temporary accommodation.

20.12.It is averred that around the year 2021, the Plaintiff and Defendant entered into discussions regarding a potential business arrangement, wherein the Defendant's premises was proposed to be absorbed into the Plaintiff's chain of establishments. The Plaintiff, in good faith, had shared certain conceptual, business, and aesthetic insights with the Defendant during the course of these discussions. However, the said deal did not materialize, and no agreement or understanding was ever finalized or executed between the parties.

20.13.The Defendant, despite having no rights, authorization, or consent from the Plaintiff, proceeded to undertake renovations and rebranding of its premises, deliberately incorporating distinctive and recognizable aspects of the Plaintiff's restaurants' key elements and thematic design.

20.14.It is contended that the Defendant has adopted and replicated Plaintiff's cultural theme, artistic layout, visual motifs, color schemes, interior designs, and most significantly, the overall ambience of the Plaintiff's establishments running under the name and brand of HAVELI.

20.15.The Defendant, with full knowledge of these features, has slavishly imitated this curated ambience, trademark and standard operating procedure of the Plaintiff thereby creating a deceptive and misleading environment within its restraint that gives the false impression of being affiliated with or endorsed by the Plaintiff.



20.16. The Defendant continues to operate its restaurant in this deceptive manner; it causes a recurring injury to the Plaintiff's goodwill and a continued erosion of the distinctiveness that the Plaintiff has built around its brand and business over the years.

21. Learned counsel for the Plaintiff submits that the conduct of the Defendant demonstrates a clear lack of originality and a deliberate attempt to misappropriate the goodwill and reputation of the Plaintiff. He submits that notably, the Defendant has gone to the extent of falsely affixing the Registered (®) symbol on the impugned mark, despite the fact that their mark has not been granted registration.

21.1. He states that due to the Defendants' unauthorized use of an identical mark and similar ambience has led to the customers believing that goods and services offered by the Defendant are connected with the Plaintiff. He states that the customers² have mistakenly tagged the Plaintiff's official social media pages, while actually referring to the Defendant's restaurant, thereby reinforcing the confusion in the minds of the public.

21.2. He prays that in view of the aforesaid, this Court may be pleased to grant an ex-parte ad interim injunction in favour of the Plaintiff and against the Defendant.

22. This Court has heard the learned counsel for the Plaintiff and perused the record.

23. The comparison table of the competing trademarks/trade names/logo/label/artistic works of the parties, as set out at page no. 16 of the Plaintiff's documents is reproduced herein below: -

² Page No. 1 of the plaint.



Plaintiff's TradeMark/ Trade Name/ Logo/ Artistic Works	Defendant's Impugned Mark/LABEL
HAVELI	PUNJABI HAVELI
    	

24. Similarly, at page nos. 17 to 19 of the Plaintiff's documents, the Plaintiff has also provided the comparison chart of the online and offline branding, hoarding and trade-dress of the Plaintiff and the Defendant. At page nos. 20 to 26 of the Plaintiff's documents, the Plaintiff has also provided the comparison chart of the interior, exterior and overall ambience of the Plaintiff and the Defendant's establishment.



25. On a visual comparison of the Plaintiff's trademarks and the Defendant's impugned mark, it is evident that the Defendant has made an attempt to create an impression that the goods and services provided by the Defendant under the impugned mark are associated with the Plaintiff.

26. It is a matter of record that the Plaintiff is the registered owner of the



word mark HAVELI and the logo/device mark . The Plaintiff has also applied for the registration of the trademarks/label/logo



. On the other hand, the Defendant has applied for the registration of the impugned mark PUNJABI



HAVELI/ on a 'proposed to be used' basis on 10.07.2023.

27. The Defendant has used the colour scheme of Red and White colour, which is identical to the colour scheme used by the Plaintiff to represent its trademarks. The Defendant has also adopted the unique stylistic element used by the Plaintiff for its mark. The Defendant has not only replicated the Plaintiff's trademark's font style but has also replicated the artistic elements employed by the Plaintiff's for its trademark. Furthermore, the Defendant has affixed the Plaintiff's trademark – HAVELI with another word i.e., 'PUNJABI' and the word 'PUNJABI' has been incorporated in such a small font, that it remains insignificant to the eyes of the viewers misleading the customers into believing that the Defendant's restaurant is associated with the Plaintiff.

28. In view of the aforesaid, this Court is of the prima facie opinion that the impugned mark of the Defendant is identical to the trademarks of the



Plaintiff, and the Defendant has copied all the features of the Plaintiff's trademarks with a sole intention to unlawfully ride upon the of Plaintiff's goodwill and reputation. The Plaintiff in the plaint has placed on record the screenshot(s) of the social media post, which shows that customers while referring to Defendant's restaurant has tagged the Plaintiff's official social media page.

29. In view of the aforesaid, the Plaintiff has established a prima facie case for grant of an ex parte ad-interim injunction against the Defendant. The balance of convenience also lies in favour of the Plaintiff, and the Plaintiff will suffer irreparable loss in case the Defendant is not restrained from the using the impugned trade mark/trade name.

30. Consequently, until the next date of hearing, the Defendant, its individual proprietors/partners, agents, representatives, distributors, assigns, heirs, successors, stockists and all others acting for and on their behalf, are restrained from using, selling, manufacturing, soliciting, exporting, displaying, advertising [including audio/print/visual/social media or otherwise], directly or indirectly or dealing in any other manner or mode in the impugned mark/label/logo, which is deceptively similar to the Plaintiff's



trademark HAVELI/  /  / , or any other any other variants/ formative of Plaintiffs trademarks/labels of in relation to their impugned goods and business and other allied/cognate/related goods or any other trademark/label which may be identical with and/or deceptively similar to the Plaintiffs said trademark/label/logo.

31. It is further directed that the Defendant shall remove the board/



hoarding/ display material of “PUNJABI HAVELI/  ” as well immediately remove/delete social media accounts. The Defendant shall also remove his advertisements/listings under the impugned mark from third-party websites.

32. It is directed that the Defendant shall comply with the interim directions passed by this Court within one (1) week from receipt of order. In case the Defendant fails to comply with the aforesaid directions within the given timeline, this Court will appoint a Local Commissioner [as sought by the Plaintiff in IA 18783/2025] to ensure that the order passed today is duly complied with.

33. Issue notice to the Defendant through all permissible modes.

34. Let the reply to this application be filed by the Defendant within a period of four (4) weeks.

35. Rejoinder thereto, if any, be filed within a period of four (4) weeks thereafter.

36. The provisions of Order XXXIX Rule 3 CPC shall be complied within one (1) week from today.

37. List before the learned Joint Registrar (J) for completion of services and pleadings on **26.09.2025**.

38. List before the Court on **17.02.2026**.

I.A. 18783/2025

39. This is an application under Order XXVI Rule 9 CPC read with Order XXXIX Rule 7 CPC, filed by the Plaintiffs for appointment of a Local Commissioner to visit the Defendant's premises and to take in his custody the impugned goods.



40. Issue notice.
41. Let a reply be filed within four (4) weeks. Rejoinder, if any, be filed within four (4) weeks thereafter.
42. List before the Joint Registrar (J) for completion of service and pleadings on **26.09.2025**.
43. List before the Court on **17.02.2026**.

MANMEET PRITAM SINGH ARORA, J

AUGUST 19, 2025/hp/MG