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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ CS(COMM) 460/2025 with I.A. 11978/2025, I.A. 11979/2025, I.A. 11980/2025, I.A. 11981/2025 and I.A. 11982/2025
KENTUCKY FRIED CHICKEN
INTERNATIONAL HOLDINGS LLCPlaintiff

Through: Ms. Shwetasree Majumder, Mr.
Rohan Krishna Seth and Mr. Ritwik
Marwaha, Advocates

versus

MASSIVE RESTAURANTS PRIVATE
LIMITED

.....Defendant

Through: None.

CORAM:
HON'BLE MR. JUSTICE AMIT BANSAL

ORDER

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13.05.2025

I.A. 11982/2025 (seeking exemption from filing originals, clear copies of documents, etc.)

1. Allowed, subject to the plaintiff filing clear copies of documents and documents with proper margin within four (4) weeks from today.
2. The plaintiff is exempted from filing the originals at this stage.
3. The application stands disposed of.

I.A. 11980/2025 (u/s 12A of the Commercial Courts Act, 2015)

4. As the present suit contemplates urgent interim relief, in light of the judgment of the Supreme Court in *Yamini Manohar v. T.K.D. Krithi*, 2023 SCC Online SC 1382, exemption from the requirement of pre-institution mediation is granted.
5. The application stands disposed of.



I.A. 11981/2025 (u/O-XI Rule 1(4) of the CPC)

6. The present application has been filed on behalf of the plaintiff seeking leave to file additional documents under the Commercial Courts Act, 2015.

7. 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.

8. Accordingly, the application is disposed of.

I.A. 11979/2025 (seeking exemption from effecting advance service upon the defendant)

9. Ms. Shwetassree Majumder, counsel appearing on behalf of the plaintiff, submits that an advance copy of the plaint paperbook has been supplied to the defendant. Hence, she does not wish to press this application.

10. Accordingly, the application is dismissed as not pressed.

CS(COMM) 460/2025

11. Let the plaint be registered as a suit.

12. Issue summons.

13. Summons be issued to the defendant through all permissible modes. The summons shall state that the written statement shall be filed by the defendant within thirty (30) days from the date of the receipt of summons. Along with the written statement, the defendant shall also file affidavit of admission/ denial of the documents of the plaintiff, without which the written statement shall not be taken on record.

14. Liberty is given to the plaintiff to file replication, if any, within thirty (30) days from the receipt of the written statement. Along with the replication filed by the plaintiff, affidavit of admission/ denial of the



documents of the defendant be filed by the plaintiff.

15. The parties shall file all original documents in support of their respective claims along with their respective pleadings. In case the 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.

16. If any of the parties wish to seek inspection of any documents, the same shall be sought and given within the timelines.

17. List on 28th May, 2025.

I.A. 11978/2025 (u/O-XXXIX Rules 1 and 2 of the CPC)

18. This application has been filed under Order XXXIX Rules 1 and 2 of the Code of Civil Procedure, 1908 seeking to restrain the defendant from

using the marks 'NFC', 'NASHVILLE FRIED CHICKEN', '  ' or any other deceptively similar variant of the plaintiff's mark 'KFC', which has been declared to be a well-known trade mark.

19. Advance service of the plainti paperbook is stated to have been made upon the defendant on 12th May, 2025.

20. However, none appears on behalf of the defendant.

21. Issue notice to the defendant through all permissible modes.

22. Reply be filed within ten (10) days.

23. Rejoinder thereto, if any, be filed before the next date of hearing.

24. List on 28th May, 2025.

AMIT BANSAL, J

MAY 13, 2025

Vivek/-