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

+ **CS(COMM) 1271/2025 & I.A. 29579/2025**

HERO MOTOCORP LIMITED

.....Plaintiff

Through: Mr. Saikrishna Rajagopal, Mr.
Kanishk Kumar, Ms. Deepika
Pokharia, Mr. Priyansh Kohli & Mr.
Abhinav Bhalla, Advs.

versus

SUNANDA GREENTECH PRIVATE LIMITED

.....Defendant

Through: None.

CORAM:

HON'BLE MS. JUSTICE MANMEET PRITAM SINGH ARORA

ORDER

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27.11.2025

I.A. 29581/2025 (seeking leave to file additional documents)

1. This is an application under Order XI Rule 1(4) of the Code of Civil Procedure, 1908 ('CPC') [as amended by the Commercial Courts, Commercial Division and Commercial Appellate Division of High Courts Act, 2015 ('Commercial Courts Act, 2015')] read with Section 151 CPC, seeking leave to file additional documents within thirty (30) days.
2. The Plaintiff, if they wish to file additional documents will file the same within thirty (30) days from today, and it shall do so strictly as per the provisions of the Commercial Courts Act and the Delhi High Court (Original Side) Rules, 2018 ('DHC Rules').
3. For the reasons stated in the application, the same is allowed.
4. Accordingly, the application is disposed of.



I.A. 29580/2025 (seeking exemption from pre-institution mediation)

5. This is an application under Section 12A of the Commercial Courts Act, 2015 read with Section 151 of CPC, filed by the Plaintiff seeking exemption from instituting pre-litigation mediation.

6. Having regard to the facts that the present suit contemplates urgent interim relief and in light of the judgement 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.

7. Accordingly, the application stands disposed of.

CS(COMM) 1271/2025

8. The present suit has been filed for permanent injunction restraining infringement of trademark, passing off and other ancillary reliefs against the Defendant.

9. Let the plaint be registered as a suit.

10. Summons be issued to Defendant through speed post and e-mail on filing of process fee. Affidavit of service be filed within one (1) week.

11. 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.

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



record.

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

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

15. List before the learned Joint Registrar (J) on **23.12.2025**.

16. List before Court on **28.04.2026**.

I.A. 29579/2025 (under Order XXXIX Rule 1 & 2 CPC)

17. There is an application under Order XXXIX Rules 1 & 2 of the CPC, filed by the Plaintiff, seeking ex-parte ad-interim injunction against the Defendant.

18. Mr. Saikrishna Rajagopal, learned counsel for the Plaintiff has set out the case of the Plaintiff as under: -

18.1. The Plaintiff is engaged in the business of premium motorcycles and scooters for over four (4) decades. Plaintiff is the prior and registered proprietor of the marks 'DESTINY', 'DESTINI' and 'DESTINI PRIME' ('**Plaintiff's Marks**') under Class 12 and 37. Since its adoption in 2018, the Plaintiff's Marks has been continuously and uninterruptedly used by the Plaintiff. Details of the list of Plaintiff's trademark applications and registrations thereof are mentioned at paragraph 26 of the plaint.

18.2. The Plaintiff's turnover and sales figures for its products under the Plaintiff's Marks as of the financial year 2025-2026 was reported as Rs. 368.67 crores. Details of the sales figures as well as the advertisement expenses are mentioned at paragraph 22 & 23 of the plaint, respectively.

¹ (2024) 5 SCC 815



19. The Defendant is engaged in the business of manufacturing and selling electric vehicles inter alia using identical and/or deceptively similar marks 'DESTINY', 'DESTINY+', 'DESTINY PRO' and 'DEST PRO +' ['**Impugned Marks**'] in relation to identical/similar products falling under Class 12, i.e., two wheelers.

20. It is stated that in June, 2025 the Plaintiff first learnt of the Defendant's infringing activity on the Defendant's website <https://sunandagreentech.in/> whereby the Defendant was openly advertising and promoting e-scooters bearing the Impugned Marks. Defendant is also listing its products on third party e-commerce platforms such as India Mart, Just Dial, etc. The snapshot of the Defendant's website selling goods under the Impugned Marks is given below:



21. It is stated that on 17.06.2025 the Plaintiff issued a cease-and-desist notice and despite service of the said notice on 21.06.2025, the Defendant failed to issue any response or comply with the Plaintiff's requisitions. Therefore, Plaintiff conducted an investigation through an independent investigator who undertook various field visits to the available addresses of



the Defendant and came across various products bearing the Plaintiff's Marks. It was also found that the Defendant is actively selling and promoting its goods bearing the Impugned Marks on e-commerce platforms, social media platforms as well as listing it on online directory such as Justdial.

22. Learned Counsel for the Plaintiff submits that the Defendant, having used and adopted identical/or deceptively similar marks, was evidently aware of the Plaintiff's Marks establishing his intent to ride upon the Plaintiff's goodwill and reputation.

22.1. He states that the members of public have been deceived and are likely be deceived upon coming across goods with the Impugned Marks being used in relation to the identical goods.

22.2. He states that the Defendant by wrongful adoption and use of the Impugned Marks intends to convey/suggest that their purported goods originate and/or are associated or authorised by the Plaintiff.

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

24. Learned counsel for the Plaintiff states that Defendant has been duly served with an advance copy of the paper book on the e-mail addresses mentioned in the memo of parties. He also states that Plaintiff had issued a notice to the Defendant on 17.06.2025 which was duly served on 21.06.2025. However, there has been no response received from the Defendant.

25. The Plaintiff is the prior and registered proprietor of the wordmarks/trademarks 'DESTINY', 'DESTINI' and 'DESTINI PRIME' ['Plaintiff's Marks'] under Class 12 and 37. The Defendant is engaged in



business of identical goods under the Impugned Marks which fall under Class 12 i.e., two wheelers.

26. The Impugned Marks are structurally, phonetically and visually identical and/or deceptively similar to the Plaintiff's Marks. The phonetic similarity between the rival marks is bound to create confusion in the minds of consumers who will assume the goods of the Defendant have an association with that of the Plaintiff.

27. The Plaintiff has placed on record its substantial sales figures for its goods bearing its registered marks. The Defendant's use and adoption of the deceptively similar Plaintiff's Marks for identical goods appears to be intentional to ride upon the reputation and goodwill enjoyed by the Plaintiff.

28. 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 Plaintiff, and Plaintiff will suffer irreparable loss in case the Defendant is not restrained from using the Plaintiff's registered wordmarks/trademarks.

29. Consequently, until the next date of hearing the Defendant, its owners, partners, directors, business associates, officers, servants, employees, and anyone acting for and on its behalf are restrained from selling or offer to sell, rendering, manufacturing, advertising, promoting through any offline and online means or in any manner using the marks 'DESTINY, DESTINY+, DESTINY PRO and DEST PRO or any other mark identical/deceptively similar to Plaintiff's wordmarks/trademarks 'DESTINY', 'DESTINI' and 'DESTINI PRIME' in relation to the identical or any allied or cognate goods, amounting to infringement of trademark and passing off.



30. The Defendant is also restrained from using any indicia whatsoever to show any association or connection of the Defendant or its products with the Plaintiff.
31. Compliance of Order XXXIX Rule 3 CPC be done within a period of one (1) week from today.
32. Issue notice to the Defendant through all permissible modes.
33. Let the reply to this application be filed within a period of four (4) weeks, from the receipt of notice.
34. Rejoinder thereto, if any, be filled within a period of four (4) weeks thereafter.
35. List before the learned Joint Registrar (J) on **23.12.2025**.
36. List before Court on **28.04.2026**.
37. The digitally signed copy of this order, duly uploaded on the official website of the Delhi High Court, www.delhihighcourt.nic.in, shall be treated as a certified copy of the order for the purpose of ensuring compliance. No physical copy of order shall be insisted by any authority/entity or litigant.

MANMEET PRITAM SINGH ARORA, J

NOVEMBER 27, 2025/ng/IB