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

I.A. 10435/2025, I.A. 10540/2025 & I.A. 10541/2025

IN

+ CS(COMM) 197/2024

AB SKF & ANR. Plaintiffs

Through: Mr. Saif Khan, Mr. Shobhit Agrawal,
Mr. Prajwal Kushwaha & Ms.
Meghana Kudligi, Advocates.

versus

M/S OSAKA INTERNATIONAL INC. & ORS. Defendants

Through: Mr. Piyush Tonk, Advocate for D-1
to D-6.

Ms. Apurba Pattanayak, Advocate for
D-9.

Mr. Mrinal Ojha, Mr. Debarshi Dutta,
Mr. Nikhil Gupta, Mr. Arjun
Mookerjee & Mr. Yogesh Singh,
Advocates for D-12.

CORAM:

HON'BLE MR. JUSTICE AMIT BANSAL

ORDER

% **25.04.2025**

I.A. 10435/2024 (u/O-I Rule 10 of the CPC) & I.A. 10541/2025 (u/O-XI Rule 1(4) of the CPC)

1. The present suit has been filed on behalf of the plaintiffs seeking relief of permanent injunction restraining infringement of trade marks and copyright and passing off along with other ancillary reliefs.
2. *Vide* order dated 5th March, 2024, this Court had passed an *ex-parte ad interim* injunction restraining defendants no.1 to 6 from using the name/

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mark 'SKF' or any other mark identical or deceptively similar to the mark 'SKF' and the SKF trade dress of the plaintiff.

3. Subsequently, the plaintiffs came to know about the proposed defendants no.14 to 16, who are new entrants in the market selling/supplying counterfeit products to the plaintiff's customers.

4. By way of I.A. 10435/2025, the plaintiffs are seeking to implead the aforesaid parties as the defendants no.14 to 16.

5. Counsel for the plaintiffs submits that the proposed defendants no.14 to 16 are associated with the defendants no.1 to 6.

6. The necessary documents concerning the proposed defendants have been filed along with I.A. 10541/2025, the application seeking leave to place on record additional documents.

7. None appears on behalf of the proposed defendants no.14 to 16 despite advance service.

8. Counsel appearing on behalf of the defendants no.1 to 6 submits that the defendants no.1 to 6 are not connected with the aforesaid parties and he has no objection to their impleadment.

9. In view of the above, I.A. 10435/2025 and I.A. 10541/2025 are allowed.

10. The additional documents as well as the amended memo of parties are taken on record.

11. The captioned applications are accordingly disposed of.

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12. Pursuant to the fresh parties being impleaded as the defendants no.14 to 16 in the present suit, the plaintiffs shall file an amended plaint before the next date of hearing.

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13. List on 6th May, 2025, the date already fixed.

I.A. 10540/2025 (u/O-XXXIX Rules 1 and 2 of the CPC)

14. This is a fresh application filed on behalf of the plaintiffs under Order XXXIX Rules 1 and 2 of the Code of Civil Procedure, 1908 (hereinafter 'CPC') seeking grant of *ad interim* relief against the newly impleaded defendants no.14 to 16.

15. This Court, *vide* order dated 5th March, 2024, had granted an *ex-parte ad interim* injunction in favour of the plaintiffs restraining the defendants no.1 to 6 from using the name/ mark 'SKF' or any other mark identical or deceptively similar to the mark 'SKF' and the SKF trade dress of the plaintiff as a part of their domain name, email ID or on social media.

16. The infringing activities of the newly impleaded defendants no.14 to 16 have been detailed in paragraphs no.12 to 16 of the present application. Sample photos of counterfeit products sold/ supplied by the newly impleaded defendants, as given in the present application, are reproduced below:

M/s Precision Bearing Inc. (Defendant no.14)



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M/s Gen-Tech Bearings (Defendant no.15)



M/s Ikove Bearings (Defendant no.16)



17. It is the submission of the plaintiffs that all the newly impleaded defendants came into existence after the injunction order was passed by this Court on 5th March, 2024 so as to over-reach the said order. Averments in this regard have been made in paragraph no.17 and necessary documents in support thereof have also been filed.

18. Based on the averments made in the present application, a *prima facie* case has been made out in favour of the plaintiffs and against the newly impleaded defendants no.14 to 16. Clearly, the plaintiffs' registered trade marks are being used by the newly impleaded defendants no.14 to 16 with the clear intent to infringe the plaintiffs' marks, erode their distinctiveness

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defraud, dupe and deceive the plaintiffs' current and prospective customers, who would associate the newly impleaded defendants with the plaintiffs.

19. Balance of convenience is also in favour of the plaintiffs and against the newly impleaded defendants. Irreparable loss, harm and injury would be caused to the plaintiffs if the newly impleaded defendants continue to use the plaintiffs' mark 'SKF' and sell/ supply counterfeit products. Prejudice would also be caused to the public at large as the newly impleaded defendants are selling/ supplying counterfeit products bearing the plaintiffs' mark which are likely to cause confusion in the market.

20. Consequently, till the next date of hearing, the defendants no.14 to 16, their principal officers, proprietors/ partners, servants, agents, affiliates, subsidiaries and all others acting for and on their behalf are restrained from, directly or indirectly in any manner whatsoever, using the name/ mark 'SKF' and/ or any other mark identical or deceptively similar to the mark 'SKF' and SKF trade dress of the plaintiffs including as part of their domain name, email ID, social media handles or in any other manner in the course of trade.

21. The defendants no.14 to 16, their principal officers, proprietors/ partners, servants, agents, affiliates, subsidiaries and all others acting for and on their behalf are directed to immediately take down and remove all posts and listings bearing the mark 'SKF', SKF trade dress and/or any other mark which is identical or deceptively similar to the 'SKF' trade marks of the plaintiffs.

22. Issue notice.

23. Notice is accepted by counsel appearing on behalf of the defendants no.1 to 6, 9 and 12.

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24. Notice be issued to the newly impleaded defendants no.14 to 16 through all permissible modes, including e-mail.
25. Reply(ies) be filed within two (2) weeks.
26. Rejoinder(s) thereto, if any, be filed within one (1) week thereafter.
27. Compliance under Order XXXIX Rule 3 of the CPC be done within five (5) days from today.
28. List before the Court on 6th May, 2025, the date already fixed.

AMIT BANSAL, J

APRIL 25, 2025/at



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