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* IN THE HIGH COURT OF DELHI AT NEW DELHI

+ CS(COMM) 143/2025 with I.A. 4243/2025, I.A. 4244/2025, I.A. 4245/2025, I.A. 4246/2025 and I.A. 4247/2025

HOUSE OF MASABA LIFESTYLE

PRIVATE LIMITED Plaintiff

Through: Mr. Ankur Sangal, Mr. Ankit Arvind,
Mr. Shashwat Rakshit and Mr.
Shaurya Pandey, Advocates.

versus

MASABACOUTUREOFFICIAL.CO & ORS..... Defendants

Through: None.

CORAM:

HON'BLE MR. JUSTICE AMIT BANSAL

ORDER

18.02.2025

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I.A. 4244/2025 (u/S 12-A of the Commercial Courts Act, 2015)

1. 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.

2. The application stands disposed of.

I.A. 4245/2025 (u/O XI Rule 1 (4) of CPC, 1908)

3. The present application has been filed on behalf of the plaintiff seeking leave to file additional documents.

4. 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.

5. Accordingly, the application is disposed of.

I.A. 4246/2025 (u/S 149 of CPC, 1908)

6. Mr. Ankur Sangal, counsel appearing on behalf of the plaintiff submits that the requisite court fees shall be paid within one (1) week.

7. The aforesaid statement of the counsel is taken on record.

8. The application is disposed of.

I.A. 4247/2025 (seeking exemption from filing original/certified copies etc.)

9. Allowed, subject to the plaintiff filing legible copies of the annexures within four weeks from today.

10. The application stands disposed of.

CS(COMM) 143/2025

11. Let the plaint be registered as a suit.

12. Issue summons.

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

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

15. 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.

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 before the Joint Registrar on 7th April, 2025, for completion of service and pleadings.

18. List before the Court on 23rd July, 2025.

I.A. 4243/2025 (u/O XXXIX Rules 1 and 2 of CPC, 1908)

1. The present suit has been filed by the plaintiff, to restrain the defendants from using the trademark “MASABA” for the identical goods and services as that of the plaintiff, i.e., retail of apparels & accessories for men and women.

2. The case set up in the plaint is that the plaintiff is the brainchild of Ms Masaba Gupta, who founded ‘House of Masaba’ in the year 2009, which is a fashion brand engaged in the business of bridal lehngas, jewellery, sarees, gowns, apparels for men, kurta, shirts, designer clothing etc.

3. The plaintiff is the registered proprietor of the trade mark “



” and “








” in different classes. The first



registration of the plaintiff for the trade mark “

back to the year 2010. The details of the relevant trade mark registrations given in the plaint are as follows:-

S. NO	TRADEMARK	APPLICATION NUMBER	CLASS	DATE OF REGISTRATION
1.		2088689	25	24.01.2011
2.		4792088	24	23.12.2020
3.		4792087	18	23.12.2020
4.		4792089	14	23.12.2020
5.		4742499	3	12.11.2020

6. It is stated that all the aforementioned registrations of the plaintiff are legal, valid and subsisting in India.

7. It is averred that given the widespread sale, promotional and advertising activities undertaken by the plaintiff, the trade mark “MASABA”, “HOUSE



OF MASABA” and “ ” has become the single source identifier of the plaintiff and its goods and services. That in the aforesaid circumstances, the plaintiff has the sole and exclusive rights in and over the trade mark "MASABA". It is further averred that the use of any mark identical with or similar to the trade marks “MASABA”, “HOUSE OF MASABA” and



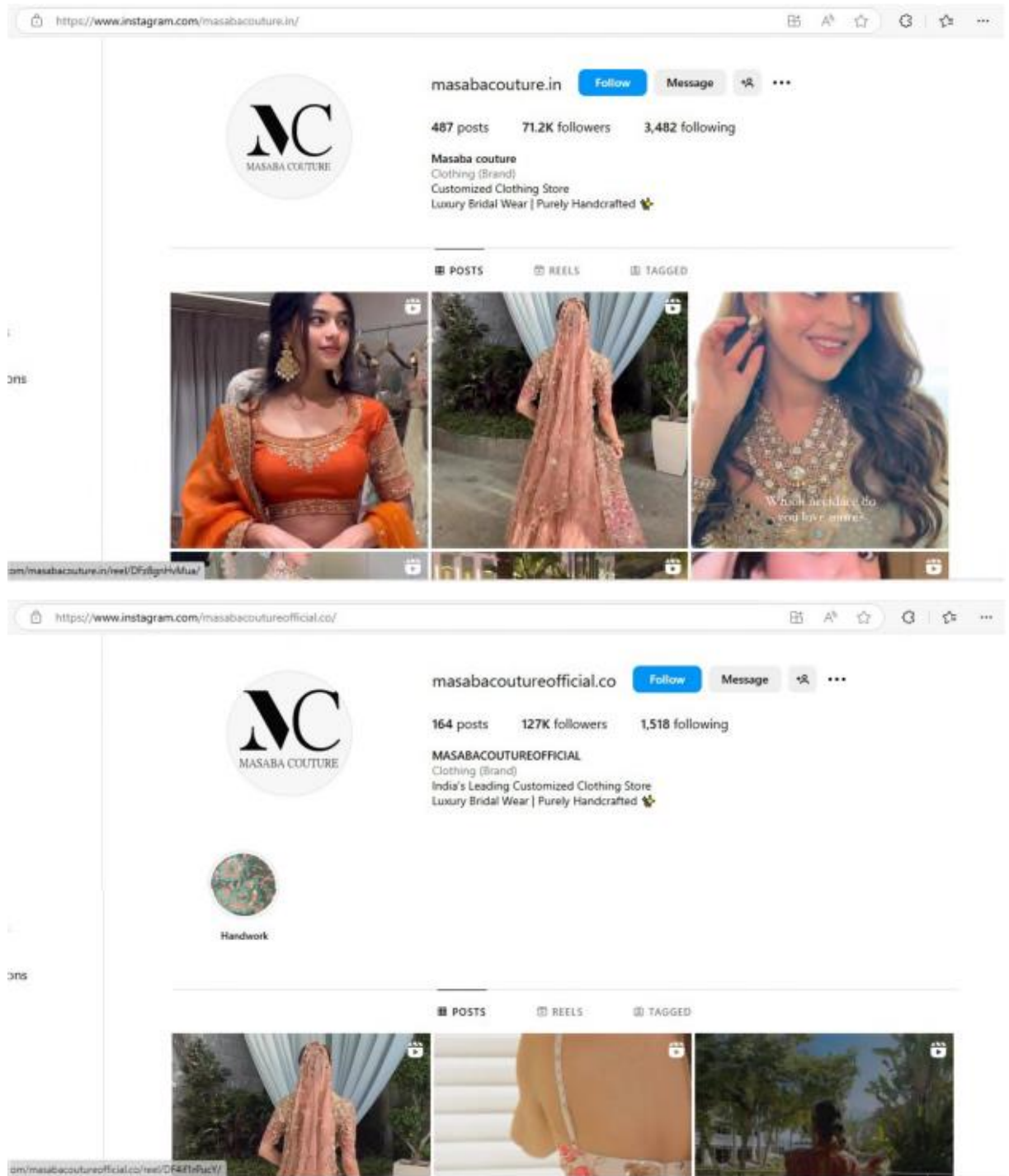
“ ”, for similar goods and services would amount to infringement of the plaintiff's trademarks, passing off and unfair trade practice.

8. It is the case of the plaintiff that in and around first week of February 2025, the plaintiff came across the impugned Instagram pages of the defendants “masabacoutureofficial.co” and “masabacouture.in”, wherein the defendants are using the impugned trade mark “MASABA”/ “MASABA



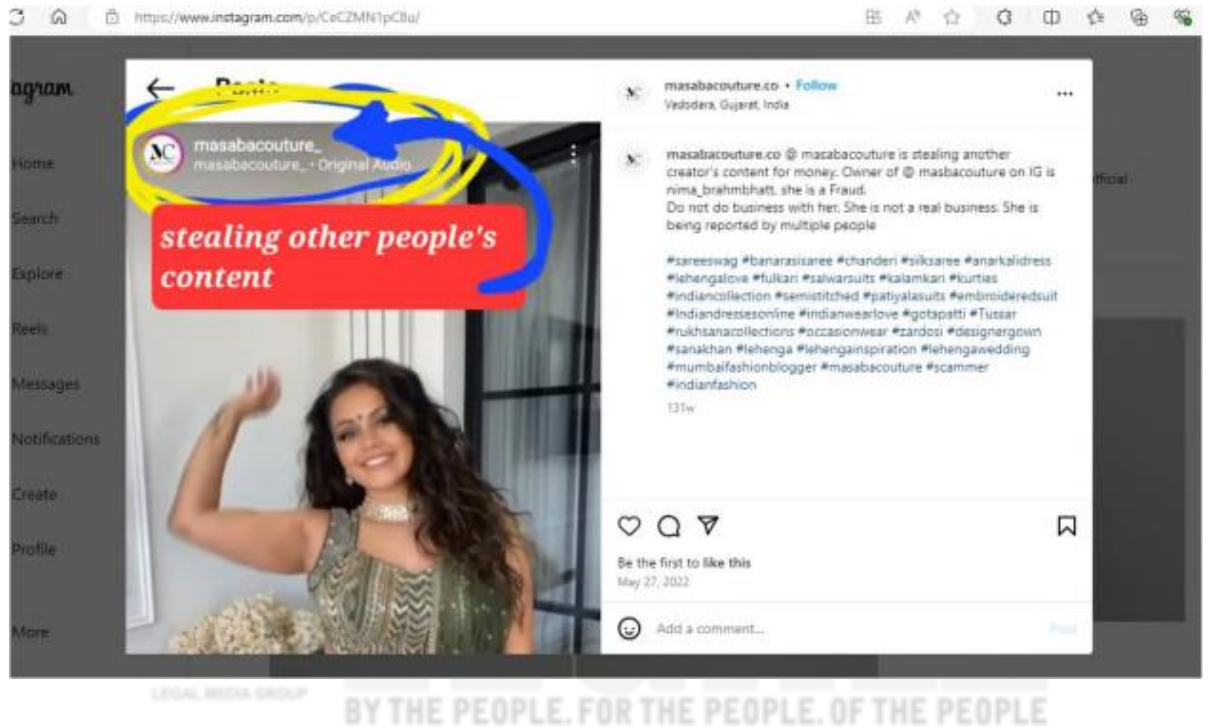
COUTURE”/ for identical goods and services.

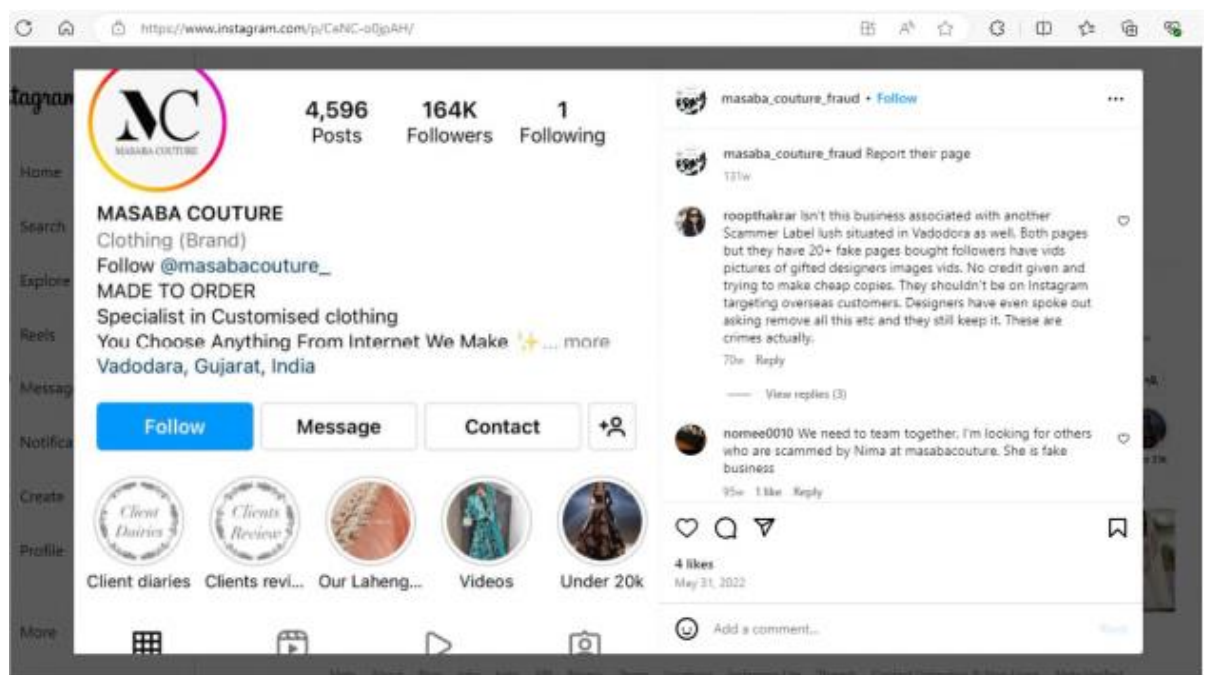
9. Attention of this Court has been drawn to the screenshots showing the said Instagram pages of the defendants. The said screenshots are reproduced as below:-

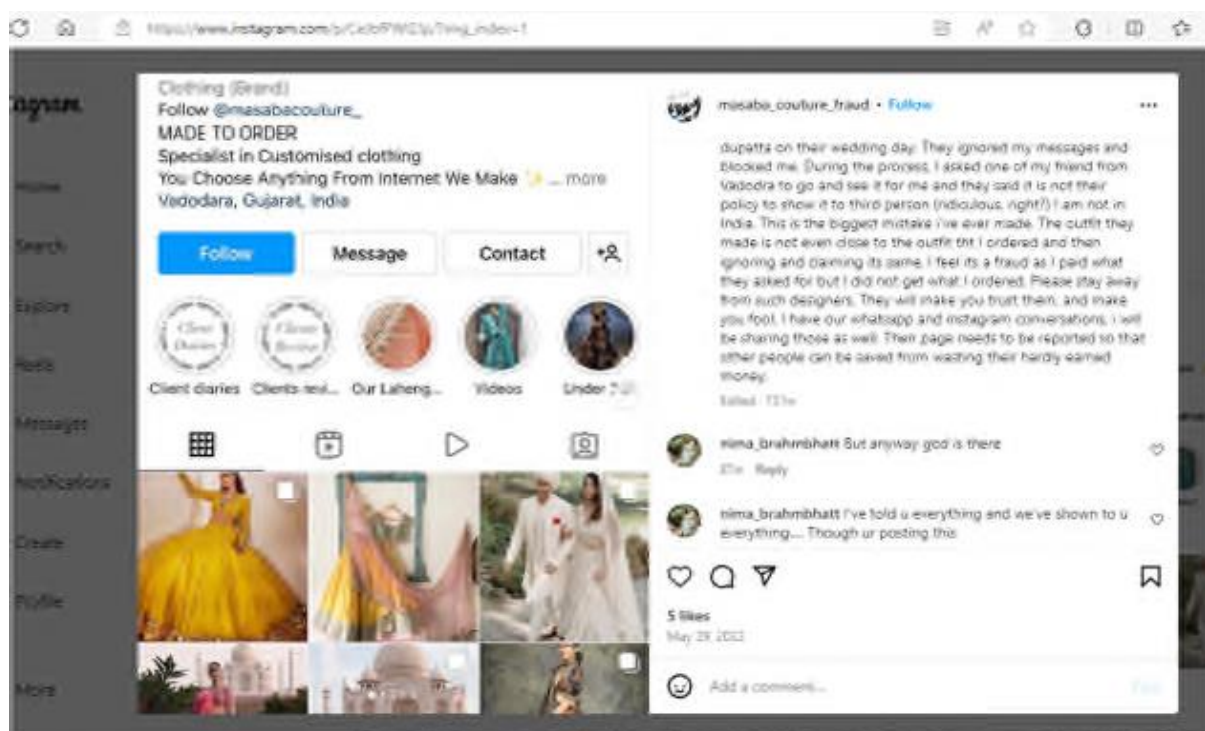
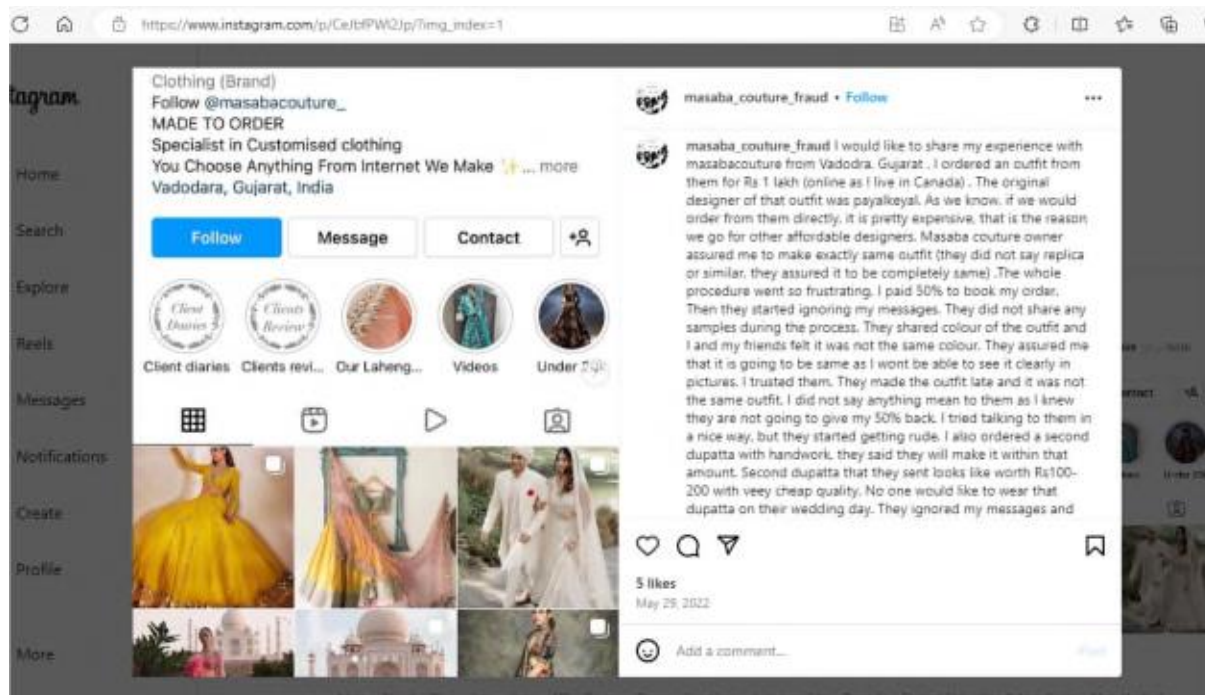


10. The counsel for the plaintiff also brought the attention of this Court to various Instagram pages created by the customers who were defrauded by the

defendants such as “masaba_couture_fraud”. The said pages also mention the name of defendant no. 3 as the proprietor of defendant no.1 and 2. The said screenshots are as follows:







11. The case set up in the plaint is that the defendants' adoption and use of the impugned trademarks is *malafide* and dishonest as the defendants are

misleading the consumers by drawing association with the plaintiff and the same is detrimental to the distinctive character of the plaintiff's trademark "MASABA".

12. In view of the aforesaid, the plaintiff has made a *prima facie* case in its favour. This Court is of the view that balance of convenience is also in favour of the plaintiff and against the defendants. The plaintiff is likely to suffer irreparable harm in case the interim order is not granted in favour of the plaintiff.

13. Accordingly, it is directed that the defendants, their proprietor, partners, as the case may be, principal officers, servants, retailers, agents and all others acting for and on behalf of the defendants are restrained from using the impugned trademarks "MASABA"/ "MASABA COUTURE"/



and Instagram handles – "masabacoutureofficial.co" and

"masabacouture.in" or any other trademark/trade name as may be identical to or is deceptively similar to the plaintiff's registered trademarks



14. Further, the intermediary "Instagram" on whose platform the Impugned pages of the defendants are available, are also directed to, on receipt of communication from the plaintiff, take down such pages and provide the complete contact details of the defendants available with them to the plaintiff.

15. Compliance of Order XXXIX Rule 3 CPC be done within a period of three days from today.
16. Issue Notice.
17. Notice be issued to the defendants *via* all permissible modes, including e-mail.
18. Reply(ies) be filed within four (4) weeks.
19. Rejoinder(s) thereto, if any, be filed within two (2) weeks thereafter.
20. List before the Joint Registrar on 7th April, 2025 for completion of service and pleadings.
21. List before the Court on 23rd July, 2025.

AMIT BANSAL, J

FEBRUARY 18, 2025

Vivek/-

