



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

INTERIM APPLICATION (L) NO.12065 OF 2025
IN
COMMERCIAL IP SUIT (L) NO.12028 OF 2025

Metro Brands Limited ... Applicant

In the matter between

Metro Brands Limited ... Applicant/Plaintiff

V/s.

MetBrands Private Limited ... Defendant

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WITH
LEAVE PETITION (L) NO.12067 OF 2025
IN
COMMERCIAL IP SUIT (L) NO.12028 OF 2025
BY THE PEOPLE. FOR THE PEOPLE. OF THE PEOPLE

Mr. Venkatesh Dhond, Senior Counsel a/w Rashmin Khandekar, Alhan Kayser, Prateek Pansare, Hitisha Patel & Varsha Vasave i/by Avesh Kayser for the Applicant/Plaintiff.

CORAM : ARIF S. DOCTOR, J.


DATE : 30TH APRIL 2025

P.C. :


1. The matter is moved for ad interim reliefs.

2. Mr. Dhond, Learned Senior Counsel appearing on behalf of the Plaintiff points out that the Plaintiff has given notice to the Defendant of today's date of hearing as also of 28th April 2025, despite which today none appeared on behalf of the Defendant either today or on the 28th when the matter was on board. It is thus that the matter is taken up for hearing on ad interim reliefs.



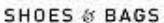
3. Mr. Dhond then points out that the Plaintiff is in the business of manufacturing and retailing of footwear, bags, accessories and other leather goods as also in the business of allied and cognate goods and services. He submits that the Plaintiff is one of the largest Indian footwear and accessories specialty retailer and is an aspirational brand amongst the Indian brands. He points out that the Plaintiff has been carrying on business since the year 1955 and has immense goodwill and a turnover of Rs.130,000,000,000/-. He points out that the Plaintiff has a strong business in all categories of footwear, i.e., premium, affordable luxury and value lines as also in fashion, lifestyle, casual and sports footwear. Mr. Dhond then points out that as of December 2024, the Plaintiff has 895 stores in 203 cities across 31 States in India. He submits that out of the said 895 stores, 18 stores are situated in the State of Kerala where the Defendant is situated and carries on its business.

4. Mr. Dhond then pointed out that the Plaintiff is the registered proprietor of its house marks, viz., **METRO BRANDS** and  ('the registered house marks') as also the registered proprietor of trade marks

METRO, , , **METRO** and  ('the said trade marks').

5. Mr. Dhond then pointed out that the Defendant is a Private Limited Company incorporated on 8th November 2021 and is in the business of designing, manufacturing and distribution of clothing, headgear and footwear ('the impugned goods and services'). He submitted that the Defendant offers for sale of the impugned goods and services under the name METBRANDS/
 ('the impugned marks') which also forms part of the corporate identity of the Defendant. Mr. Dhond pointed out that it is plainly clear from a perusal of the impugned marks that the same are deceptively similar to the registered marks of the Plaintiff. Mr. Dhond also submits that the Defendant has now also started offering the impugned goods and services for sale on Amazon.

6. Mr. Dhond then submitted that it was evidently clear that Defendant was attempting to pass off the impugned goods and services as also wrongly profited from the Plaintiff's goodwill and reputation by offering the

impugned goods for sale under the name METBRANDS/  since it was only in or about December 2021 when the Plaintiff decided to go public by floating an IPO that Defendant commenced use of the name  METBRANDS/  . He pointed out that until that time the Defendant had been operating and offering goods and services under the name 'METRENDS'.

7. Mr. Dhond then pointed out that the Plaintiff had addressed a Cease-and-Desist notice to the Defendant calling upon the Defendant to cease and desist from offering the impugned goods and services for sale under the impugned marks. However, the Defendant has not adhered to the said notice. It is thus that the present Suit has been filed and moved for ad interim relief.

8. Having due regard to the submissions made by Learned Senior Counsel as also having perused the record, I find that the Plaintiff has made out a case for ad interim reliefs. There can be no doubt about the Plaintiff's name and reputation in the field of sale and supply of leather goods, especially in shoes. The record also sets out that the Plaintiff has huge turnover and also under its umbrella markets and sales various international footwear brands. The Plaintiff is a owner of the registered house marks and as also a registered proprietor of the aforesaid marks. The impugned goods and services being sold

under the impugned marks by the Defendant, in my view, are *prima facie* deceptively similar to that of the Plaintiff's registered marks. The Defendant despite being served twice, has chosen not to appear before this Court and refute any of the contentions set out. Hence, the Plaintiff is, in my *prima facie* view, entitled to ad interim relief in terms of prayer clause (a) till the next date of hearing. Hence, there shall be an ad interim relief in terms of prayer clause (a), which reads thus:

"a. Pending hearing and final disposal, a temporary injunction restraining and prohibiting the Defendant and/or its partners, proprietors, stockists, directors, owners, servants, subordinates, representatives, employees, suppliers, affiliates, agents, distributors, dealers, subsidiaries, franchisees, licensees, assignees, predecessors and / or all persons / entity claiming through them or acting on their behalf, be restrained from infringing upon the said marks of the Plaintiff by directly or indirectly using, manufacturing, selling, distributing, advertising, publishing, displaying, stocking or in any manner on any products bearing the said marks / trademarks / trade name / label / packaging / trade dress / theme of METRO and its variants, more particularly the impugned marks, including but not limited to METBRANDS, as well as the graphic representations thereof and/or any other mark identical and/or deceptively similar to the Applicant's registered METRO"

9. This ad interim relief shall be in operation until the next date of hearing.

10. Learned Senior Counsel undertakes to once again serve the Defendant with a copy of this order.

11. It is made clear that if on the next date, none appears on behalf of the Defendant, the Court shall consider to confirm the present order.

12. Stand over to 20th June 2025.

Leave Petition (L) No.12067 of 2025

13. Issue notice to the Defendant, returnable on 20th June 2025.



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(ARIF S. DOCTOR, J.)