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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CS(COMM) 859/2023 & I.A. 24016/2023.**
MANNAT GROUP OF HOTELS PRIVATE LIMITED & ANR.

..... Plaintiffs

Through: Mr. Dushyant K. Mahant, Mr.
Subhash Bhutoria and Ms. Aashima
Kapoor, Advs.

versus

M/S MANNAT DHABA & ORS. Defendants

Through: Ms. Harsh Lata, Adv. for D-2.

CORAM:
HON'BLE MR. JUSTICE ANISH DAYAL

ORDER
04.01.2024

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I.A. 24016/2023 (Order XXXIX Rules 1 and 2 of the CPC)

1. This Court, after noting the submissions of the counsel for the plaintiff, on 04th December, 2023, had issued notice in the said application and had also appointed a Local Commissioner (pursuant to I.A. 24017/2023). The report of the Local Commissioner, as filed on 22nd December, 2023, is on record. As per the said report, the LC along with the plaintiffs' designated representatives, had visited the premises of defendant Nos.1-4. The observations of the LC are as under:

- (i) As regards the premises of defendant No.1 (MANAT DHABA), the LC met Mr. Randeep Thakur who stated that he was the owner of the said Dhaba. As per the LC, Mr. Thakur refused to cooperate and despite



having taken in possession of a copy of the suit paper-book and a copy of the order of Court dated 04th December, 2023, refused to give any acknowledgement or receipt. He persistently confronted the LC by stating that MANAT is not similar to MANNAT. As per the LC, defendant No.1 has no justification for adopting and using the plaintiff's trademark and logo MANNAT. Mr. Thakur stated that he had started the restaurant about 3-4 months ago, however, he was fully non-cooperative. The photographs of the said premises are appended to the LC report. No one has appeared for defendant No.1.

(ii)As regards the premises of defendant No.2 (New MANNAT DHABA), the LC met Mr. Narender Malik and handed over the suit paper-book and the order which was duly acknowledged by him. Mr. Malik informed that he had started the Dhaba around September, 2022 and he was in the process of rebranding the Dhaba as "MAHADEV DHABA". Counsel for defendant No.2 has entered appearance and confirms that the said Dhaba has been rebranded to "MAHADEV DHABA". She shall file an affidavit, within a period of two weeks, confirming the same as also including an undertaking that the plaintiffs' trademarks and logos will not be used by defendant No.2. The said affidavit shall be placed on record with the copy to the opposing party. In view of the same, the counsel for the plaintiff states on instructions that they shall not be pressing any further relief including for cost or damages against defendant No.2. The defendant No.2 may accordingly be deleted from the array of parties pursuant to filing the said affidavit on record. Subsequent thereto, the plaintiff shall file an amended memo



of parties.

(iii) As regards the premises of defendant No.3 (SHRI MANNAT DHABA), the LC met Mr. Sarvdeep Saini, the owner of the said Dhaba, who stated that his Dhaba was originally known as “DELIGHT AMBROSIA” but he had rebranded it around May-June, 2023 to compete with defendant No.2 (whose premises were located right opposite to them) and other similarly branded highway restaurants which opened up in the vicinity. No one appears on behalf of defendant No.3. However, the counsel for the plaintiff has presented a communication showing the rebranding of the said Dhaba to “MANMEET DHABA” by defendant No.3. He shall place the same on record of this Court along with an affidavit. No one represents defendant No.3 today in Court. It is assumed that the said rebranding has taken place and if not, the defendant No.3 may do so, in light of the orders passed as under.

(iv) As regards the premises of defendant No.4 (APNA MANNAT DHABA) located close to defendant No.3’s premises, the LC met Mr. Amrish Kumar, the Manager, and spoke to the owner Mr. Nitin Yadav. The said Manager cooperated in the execution of the Commission. Mr. Yadav informed the LC that he had taken over the Dhaba about 2-3 months back and retained the branding of MANNAT since it was popularly used by other Dhabas in the vicinity. He further stated that he was operating restaurants in Dehradun in the brand of “GREASY GRILLZZ” and had also applied for registration of brand “MANNATT”. No one appears on behalf of defendant No.4 today



despite having been served with copy of the suit and the order of the Court. Defendant No.4 may accordingly rebrand their Dhaba pursuant to the orders passed as under.

2. Plaintiff's claim was duly recorded by this Court in order dated 04th December, 2023 *inter alia* that the various Trademarks including

“MANNAT DHABA” and “MANNAT” and the logo  have been registered under various classes including 29, 32, 33, 35, 43, 45 and are being used since 2008 for their Dhabas and eateries, located at Murthal on the Delhi-Chandigarh Highway, and had accordingly attained repute in the said marks which are undoubtedly associated with the plaintiffs. Figures pertaining to the plaintiff's turnover since 2017 have also been recorded in para 2 of the said order. Counsel for the plaintiff had agreed to a short notice on 04th December, 2023, so that the LC can be executed and information regarding these defendants can be placed on record. The LC report is now on record, and contents thereof have been summarized above.

3. In view of the said facts and circumstances, this Court is satisfied that the plaintiff has made out a *prima facie* case for grant of an *ad-interim* injunction (*ex parte* defendant Nos.1, 3 and 4).

4. Accordingly, *ad-interim* injunction (*ex parte* defendant Nos.1, 3 and 4) is granted in favour of the plaintiff against each of the Defendants and their owners, partners, principal officers, employees, staff and all others acting for or on behalf of the Defendants, and they are restrained from using

any mark or branding *inter alia* MANNAT, MANAT DHABA, , MANNATT DHABA, Shri MANNATT DHABA, New MANNATT



DHABA, Apna MANNAT DHABA et al., and/or any other mark or trade indicia which is identical to or deceptively similar to the Plaintiffs' well-known and registered trademarks, MANNAT, MANNAT DHABA,

MANNAT GROUP, MANNAT RESORTS,  et al., which use by the Defendants amounts to infringement of the Plaintiff's exclusive and proprietary rights in their registered marks.

5. List before the Joint Registrar (Judicial) on 05th February, 2024 for completion of service and pleadings in relation to the same.

6. It is made clear that in light of these attempts to rebrand by certain defendants, each of the defendants will be at liberty to approach the counsel for the plaintiff in order to settle the issue, if so desired, offering rebranding of their Dhabas or any other method considered suitable.

7. Compliance, under Order XXXIX Rule 3 of CPC, will also be effected within a period of one week.

8. *Dasti.*

9. Order be uploaded on the website of this Court.

ANISH DAYAL, J

JANUARY 4, 2024/MK