IN THE COURT OF SH. BHUPESH KUMAR: DISTRICT JUDGE (COMMERCIAL COURTS)-05, SOUTH-EAST DISTRICT, SAKET COURTS, NEW DELHI

CS (Comm) No. 93/23

M/s Krishi Rasayan Exports Private Limited

….Plaintiff

Vs.

M/s Royel Krishi Rasayan Private Limited and ors.

….Defendants

ORDER

1. By way of present order, application moved by the plaintiff U/o XXXIX R 1 & 2 R/W Section 151 CPC and Section 135 of Trademarks Act would be disposed of vide which prayer has been made to pass ad-interim order to restrain the defendants, their agents etc. from using the impugned mark Krishi Rasayan and/or any mark identical or deceptively similar mark to the plaintiff's trademark in a manner as may amount to passing off the defendants services and business that of plaintiff.

The application was contested by defendants by filing written reply.

2. I have heard the arguments of Sh. G.S.Gangwar, Ld. Counsel for plaintiff and Mr.Yogender Singh Rajput, Ld. Counsel for defendants.

3. Ld. Counsel for plaintiff has submitted that plaintiff company adopted the trade name 'Krishi Rasayan' in 1966 and in the year 1995 the plaintiff company has started using trading style namely 'Krishi Rasayan Exports Pvt. Ltd.'. It has been further submitted that since inception of business, the plaintiff is using the trade name continuously and uninterrupted being subsidiary of 'Krishi Rasayan Group of Companies'. It has been further submitted that plaintiff is engaged in business of manufacturing pesticide etc. and has huge turn over. It has been further submitted that business of plaintiff is running across India and has various international offices/agents. It has been further submitted that defendant is also engaged in business of manufacturing the pesticides etc. and is using deceptively similar trademark mark as 'Royel Krishi Rasayan' to that of trademark of plaintiff. It has been further submitted that plaintiff is prior user of the trademark and trademark of plaintiff was registered, prior to impugned trademark of defendant. It has been further submitted that due to the act of defendant, the plaintiff is suffering huge loss. Inter alia, on the basis of these submissions prayer has been made to allow the application.

4. *Per contra*, Ld. Counsel for defendant has vehemently submitted that plaintiff claim that plaintiff company is subsidiary of 'Krishi Rasayan Group' since 1966, but the plaintiff has failed to bring on record any document to show that how the plaintiff company is subsidiary of 'Krishi Rasayan' Group, if any, established in 1966. It has been further submitted that registration certificate dated 07.10.2015 of

'Krishi Rasayan' is in the name of Parmanand Churiwala under the category of partnership firm. Further, in respect to registration certificate dated 08.01.2022 in the name of Sh.Atul Churiwala, it has been submitted that it is also under the category of partnership firm. But the plaintiff has not brought on record any cogent material as to how the plaintiff company is related to both these partnership firms. It has been further submitted that company of plaintiff was issued certificate under clause 5 on 24.04.2022, wherein, it has been mentioned that trademark is proposed to be used, meaning by till 24.04.2022 the plaintiff company has never used trade name Krishi Rasayan Exports Pvt. Ltd. It has been further submitted that trademark of defendant in clauses 1, 5 and 35 are duly registered on 31.08.2019. Ld. Counsel for defendant has further submitted that business of defendant is very small and is in the state of Maharashtra only. It has been further submitted that the words 'Krishi' and 'Rasayan' are generic words and no individual company can claim its trade mark over these common words. On the basis of these submissions, prayer has been made to dismiss the application.

5. Before proceeding ahead, here it is necessary to reproduce the brief facts of the matter as emerged from the pleadings of parties, required for disposal of the present application.

The plaintiff has filed the present suit U/s 134 & 135 & 27 of Trade Marks Act seeking permanent injunction restraining infringement, passing off, delivery up, rendention of account and compensatory damages. In the plaint, it has been submitted to the effect that plaintiff

company Krishi Rasayan Exports Pvt. Ltd. is leading agro-chemical company and is subsidiary of Krishi Rasayan Group of Companies.It has been further submitted that plaintiff company in the year 1966 bonafidely adopted the trademark 'Krishi Rasayan' and in the year 1995 the plaintiff company has started using trading style namely Krishi Rasayan Export Pvt. Ltd.. The turn over of 'Krishi Rasayan Group' in the financial year 2021 was Rs.21,69,28,00,000/- and turn over of M/s Krishi Rasayan Export Pvt. Ltd. was Rs.1,31,35,69,600/- and the turn over of M/s Krishi Rasayan Pvt. Ltd. was Rs.13,78,200/-. The turn over of M/s Agro Life Science Corporation is around Rs.3,63,30,80,977/-.

It has been further submitted that business of plaintiff company is in 22 states across India and has international offices in China, Bangladesh, HongKong etc.and have agents in Afghanistan, Armenia, Australia, Dubai, Mexico etc. It has been further submitted that plaintiff company has acquired both statutory and common law right over mark Krishi Rasayana in India, Afghanistan, Dubai, Germany etc. It has been further submitted that using the domain name www.krishirasayan.com and https://krepl.in for promoting advertising its business on internet. It has been further submitted that inter alia, the trade mark of the plaintiff company is duly registered. It has been further submitted that plaintiff openly, continuously and extensively using its trademark/corporate name since adoption in relation to agree product such as organic/bio fertilizers, nano fertilizers, plant growth regulator, insecticides, pesticides, fungicides and seeds.

It has been further submitted that defendant no.1 is a private limited company and engaged in business of manufacturing and trading of agro-chemical products such as organic/bio fertilizers, nano-fertilizers etc. It has been further submitted that in the second week of April, 2019 the plaintiff during online search came to know that 399 meeting of registration committee held on 08.04.2019 at Krishi Bhawan, New Delhi wherein the name of defendant company revealed as 'Royel Krishi Rasayan Pvt. Ltd.'. It has been further submitted that defendant has got the company registered on 31.10.2018 on false and fabricated presentation before Registrar of Companies and involved in getting registration of trade names/brand names in class 1, 5 and 35. It has been further submitted that since inception defendants have been continuously receiving customers by adopting such marks. It has been further submitted that defendant has pre-fixed 'Royel' before the plaintiff's pre-existing and well established registered trademark in order to deceive the public. It has been further submitted that defendant is indulged in unfair trade practice by adopting trademark Royel Krishi Rasayan. It has been further submitted that plaintiff has issued legal notice to defendant which was replied by the defendant, wherein, the fact that defendant is using trademark Royel Krishi Rasayan Pvt. Ltd was admitted. Inter alia, on the basis of these submissions prayer has been made to pass the decree.

The defendant has contested the suit by filing written statement, wherein, preliminary objections/submissions were taken that plaintiff has failed to prove its status of being the subsidiary company of 'Krishi

Rasayan'. It has been further submitted that plaintiff has concealed material trail of the fact as to how trademark vide application no. 1330633 and 3987005 was registered in its name. An further submitted that plaintiff has concealed the existence of deed of assignment dt. 05.08.2022 and plaintiff's act of submitting form TM-P. It has been further submitted that late Sh. Parmanand Churiwala were initial applicants and proprietors of trademark vide application no. 1330633 and 3987005, respectively who happens to be partners of erstwhile partnership firm Krishi Rasayan. It has been further submitted that plaintiff has concealed the fact that assignment of trademark no.3987005 and 1330633 from the said partnership firm to the plaintiff company happened only in the month of August, 2022. It has been further submitted that deed of assignment dated 05.04.2022 filed on 08.08.2022 are on record of Trademark Registry. It has been further submitted that said partnership firm was founded in 1972 by late Parmanad Churiwal and late Lakhpat Rai Agarwal which was existing and was operational at least until 05.08.2022 or is possibly exist as on date. It has been further submitted that it is not clear that the plaintiff had ever used the Trademark Krishi Rasayan prior to 05.08.2022. Therefore, the claim of goodwill / sale of Krishi Rasayan Group are consequential to the present matter. It has been further submitted that after successful assignment of aforesaid Trademarks the plaintiff immediately applied for certified copy on 23.08.2023. It has been further submitted that as such the plaintiff has concealed the material facts of original applicants and its proprietors which was not the plaintiff's as the plaintiff became propri-

etor in the year 2022. hence, the plaintiff's claim of continuous uninterrupted usage of history of Krishi Rasayan trademark in the plaintiff's name since 1966 do not hold any merit. It has been further submitted that the words 'Krishi' and 'Rasayan' are common and non-exclusive and no one can be given exclusive right over the said words. It has been further submitted that impugned trademark of defendant was duly published and claim of objections were properly invited and clarifying all objections of trademark office the impugned trademark were granted registration in the name of defendant no.1. It has been further submitted that shape, size, color of the impugned trademark are unique and are different from the trademark of the plaintiff. It has been further submitted that there are many other entities that use the similar name that of plaintiff's brand. It has been further submitted that plaintiff has not brought on record any proof that impugned trademark is deceptively identical or similar to the trademark of the plaintiff. On merits, it was denied that plaintiff company was established in 1995 and is subsidiary of Krishi Rasayan Group of Companies. Further, the contents of plaint were generally denied and preliminary submissions/objects were reiterated and reaffirmed. The prayer has been made to dismiss the suit.

Replication to the written statement also filed.

6. Heard. Material perused.

7. Before proceeding ahead, for ready reference, here it is necessary to reproduce Section 28 and 29 of Trademarks Act, which are as under :

"28. Rights conferred by registration -

(1) Subject to the other provisions of this Act, the registration of a trade mark shall, if valid, give to the registered proprietor of the trade mark the exclusive right to the use of the trade mark in relation to the goods or services in respect of which the trade mark is registered and to obtain relief in respect of infringement of the trade mark in the manner provided by this Act.

(2) The exclusive right to the use of a trade mark given under sub-section (1) shall be subject to any conditions and limitations to which the registration is subject.

(3) Where two or more persons are registered proprietors of trade marks, which are identical with or nearly resemble each other, the exclusive right to the use of any of those trade marks shall not (except so far as their respective rights are subject to any conditions or limitations entered on the register) be deemed to have been acquired by any one of those person as against any other of those persons merely by registration of the trade marks but each of those persons has otherwise the same rights as against other persons (not being registered users using by way of permitted use) as he would have if he were the sole registered proprietor."

"29. Infringement of Registered Trademark

(1) A registered trade mark is infringed by a person who, not being a registered proprietor or a person using by way of permitted use, uses in the course of trade, a mark which is identical with, or deceptively similar to, the trade mark in relation to goods or services respect of which the trade mark is registered and in such manner as to render the use of the mark likely to be taken as being used as a trade mark.

(2) A registered trade mark is infringed by a person who, not being a registered proprietor or a person using by way of

permitted use, uses in the course of trade, a mark which because of-

(a) its identity with the registered trade mark and the similarity of the goods or services covered by such registered trade mark; or

(b) its similarity to the registered trade mark and the identity or similarity of the goods or services covered by such registered trade mark; or

(c) its identity with the registered trade mark and the identity of the goods or services covered by such registered trade mark, is likely to cause confusion on the part of the public, or which is likely to have an association with the registered trade mark.

(3) In any case falling under clause (c) of sub-section (2), the court shall presume that it is likely to cause confusion on the part of the public.

(4) A registered trade mark is infringed by a person who, not being a registered proprietor or a person using by way of permitted use, uses in the course of trade, a mark which-

(a) is identical with or similar to the registered trade mark; and

(b) is used in relation to goods or services which are not similar to those for which the trade mark is registered; and

(c) the registered trade mark has a reputation in India and the use of the mark without due cause takes unfair advantage of or is detrimental to, the distinctive character or repute of the registered trade mark.

(5) A registered trade mark is infringed by a person if he uses such registered trade mark, as his trade name or part of his trade name, or name of his business concern or part of the name, of his business concern dealing in goods or services in respect of which the trade mark is registered.

(6) For the purposes of this section, a person uses a registered mark, if, in particular, he-

(a) affixes it to goods or the packaging thereof;

(b) offers or exposes goods for sale, puts them on the market, or stocks them for those purposes under the registered trade mark, or offers or supplies services under the registered trade mark;

(c) imports or exports goods under the mark; or

(d) uses the registered trademark on business papers or in advertising.

(7) A registered trade mark is infringed by a person who applies such registered trade mark to a material intended to be used for labelling or packaging goods, as a business paper, or for advertising goods or services, provided such person, when he applied the mark, knew or had reason to believe that the application of the mark was not duly authorised by the proprietor or a licensee.

(8) A registered trade mark is infringed by any advertising of that trade mark if such advertising-

(a) takes unfair advantage of and is contrary to honest practices in industrial or commercial matters; or

(b) is detrimental to its distinctive character; or

(c) is against the reputation of the trade mark. (9) Where the distinctive elements of a registered trade mark consist of or include words, the trade mark may be infringed by the spoken use of those words as well as by their visual representation and reference in this section to the use of a mark shall be construed accordingly."

From the mere perusal of provisions of Section 28 and 29, it is found that a registered trademark is infringed by a person who not being a registered proprietor, uses in the course of trade a mark which is identical or deceptively similar in relation to the goods or services

which are identical or similar to that in respect of which the trademark is registered without the permission of the trademark owner.

8. In this matter, as per record the trademark of plaintiff 'M/s Krishi Rasayan Exports Pvt. Ltd' and trademark of defendant 'M/s Royel Krishi Rasayan Pvt. Ltd' are registered trademarks, under various clauses.

Now the question arises whether injunction can be granted against the holder of registered trademark. In this respect in case ***Montari Overseas Ltd. vs. Montari Industries Ltd., 1995 SCC Online Del 865***, Hon'ble High Court of Delhi, *inter alia*, held as under :

> *We have considered the submission of learned counsel but we have not been persuaded to accept the same. Section 20 of the Companies Act, 1956 provides that no company will be registered by a name which is similar or identical or too nearly resembles the name by which a company in existence has been previously registered. In case where a company has been incorporated with a name which is identical or too nearly resembles the name of a company which has been previously incorporated, Section 22 makes a provision for getting the name of the former altered. No doubt, Section 22 makes provision for rectification of the name of a company which has been registered with undesirable name but that does not mean that the common law remedy available to an aggrieved party stands superseded. The plaintiff will have two independent rights of action against the defendant who may be using the corporate name of a previously incorporated company, one under Section 22 of the Companies Act and the other for injunction restraining the defendant from using the corporate name of the plaintiff or from using a name bearing a close resemblance which may cause or which is likely to cause confusion in the minds of the customers or general public in view of the similarity of names. Both the remedies, one under*

> *Section 22 and the other under the common law operate in different fields. Under section 22 of the Companies Act, the Central Government has no jurisdiction to grant any injunction against the use of an undesirable name by a company whereas in a suit for permanent injunction the Court can pass an order injuncting the defendant from using the name which is being passed off by the defendant as that of the plaintiff.*

In the light of this judgment in case of any civil right violation of the plaintiff, the injunction can be granted against defendant though defendant might be registered under Companies Act. In the light of this judgment, the same analogy can be adopted in the registration of the defendant under Trademark Act and the injunction can be granted against the party registered under Trademark Act, if any such situation arise. Whether in the present matter, ad-interim injunction can be granted against defendant, or not, would be looked into after considering the matter on all aspects.

9. In the present matter, the plaintiff claims that plaintiff company M/s Krishi Rasayan Exports Pvt. Ltd. is subsidiary of 'Krishi Rasayan Group of Companies' and the name 'Krishi Rasayan' was adopted in the year 1966. It has been further contended that in the year 1995, the plaintiff company started using the trade style 'Krishi Rasayan Exports Pvt. Ltd.'. As per record, 'Krishi Rasayan Exports Pvt. Ltd.' was registered on 10.12.2007 and it was renewed on 10.12.2017. In this regard, it has been contended by Ld. Counsel for defendant that plaintiff has failed to brought on record as to how plaintiff company is related to said partnership firms.

On this aspect, from perusal of all registration certificates viz. certificate dated 07.01.2005 in the name of Parmanand Churiwal, certificate dated 30.10.2018 in the name of Atul Churiwala (both in the name of partnership firm), certificate dated 25.09.2018 in the name of plaintiff company Krishi Rasayan Exports Pvt. Ltd and certificate dated 10.07.2007 in the name of M/s Krishi Rasayan, it is found that addresses of partnership firms and plaintiff company is similar as 29, Lala Lajpat Rai Sarani (Elgin Road) Kolkata. In respect to contention of defendant that plaintiff has not brought on record any document as to how partnership firm was converted to Company, it is found that the same can be looked into only after the parties are afforded opportunity to lead evidence. However, at this stage, considering the fact that abovesaid firms were also being run from the same address to that of the address mentioned in the registration certificate of plaintiff, it prima facie, shows that plaintiff company emerged from the earlier firms.

10. Further it is found that the plaintiff company M/s Krishi Rasayan Exports Pvt. Ltd. was registered on 25.09.2018, under the Trademark Act vide certificate no.3955171, whereas the defendant company was registered vide Trademark no. 4281090, under clause 1 on 31.08.2019, vide Trademark no.4281091 under clause 5 on 31.08.2019 and under Trademark no.4281092 under clause 35 on 31.08.2019. Meaning by the trademark of plaintiff company was registered earlier to the registration of trademark of the defendant company.

11. One of the contention of Ld. Counsel for defendant is that word 'Krishi' and 'Rasayan' are generic words and nobody can claim any right over these words.

In case ***Globe Super Parts vs Blue Super Flame Industries, AIR 1986 Del 245***, Hon'ble High Court of Delhi, inter alia, held as under :

> *Besides names of persons, words which are of common use in a language can be exclusively appropriated by a certain trader or manufacturers as is evident from the case of Reddaway v. Banham, (1896) 13 RPC 218. The words of common language which were held to be exclusively appropriated by Reddaway, in that case were 'Camel Hair'. What was asserted in the Reddaway's case was that beltings were manufactured and sold by various persons; that the beltings used to be sold under the name of various animals like Yak, Llama, Buffalo, Crocodile etc. What plaintiff Reddaway asserted was that Banham was their one time employee and that he had started selling the beltings under the name 'Camel Hair'; Reddaway also asserted that they were entitled to stop others, like defendants Banham, from using the word 'Camel Hair' with respect to the beltings manufactured by them.*
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> *This case was decided by the House of Lords on or about 26th March, 1896. The case was started on 3rd May, 1893 when Frank Reddaway and F. Reddaway and Co. Ltd., commenced the suit in the Manchester District Registry of the Queen's Bench Division against George Banham and George Banham and Co. Ltd., for an injunction to restrain the defendants from infringing certain trade marks and from continuing to use the word 'Camel' in such a manner as to pass off their goods as and for the plaintiff's goods. It was asserted that the plaintiffs had, during the course of trade, sold very large quantities of beltings as 'camel beltings' and that the word 'Camel' appeared upon, or was attached to their beltings as 'camel beltings'. In England and abroad the word 'camel', or the figure of a camel, was universally understood*

in all the places where their beltings was sold, to indicate goods to be of plaintiffs' manufacture. It was also asserted that beltings was sold as 'camel' and 'camel hair beltings' also. The action was commenced because the defendants' company and the defendant Banham had recently sold in England and advertised for sale in conjunction with the word "Camel" large quantities of beltings, which belting was not made by the plaintiffs and thus, the persons who desire for purchasing beltings of the plaintiff would be deceived by the defendants' use of the word 'Camel', into the belief that they were purchasing the beltings of the plaintiffs' manufacture.

The plaintiffs got the injunction from Collins, J. but the defendants' appeal was allowed by the Court of Appeal holding that 'Camel Hair Belting' was merely a truthful description of the nature of the goods and nobody can be prevented from using that name, although it may lead to goods being purchased under that name, as a goods of a particular maker. The Court of Appeal held that 'Camel Hair Belting' was a true description of the goods, and that it was the name by which a person wanting to buy goods would ask for them. Again a judgment was given for the defendants. The plaintiffs then appealed to the House of Lords.

The House of Lords examined the case, and held that even "descriptive words" like 'Camel Hair Belting' were capable of exclusively appropriation, that the words 'Camel Hair Belting' have acquired a secondary signification with respect to the beltings in the sense that the words 'Camel Hair' with respect to the trade in beltings had lost their primary meaning, to indicate belting made of camel hair, but has acquired a secondary significance or meaning in the trade, and came to connote the products of the plaintiffs. The House of Lords found that there was ample evidence to justify the finding that amongst those who were the purchasers of such goods, the words "Camel Hair" were not applied to beltings made of that material in general; that in short, it did not mean in the market belting made of a particular material, but belting made by a particular manufacturer. The House of

Lords thus came to the conclusion that common words of a language can be exclusively appropriated to a particular manufacturer as they had acquired a special meaning as denoting the goods of a particular manufacturer/trader.

Lord Herschell also dealt with "coined" words, that did not have any meaning in the language; and at page 228 line 19, said that "words never in use before, and meaningless, except as indicating by whom the goods in connection with which it is used were made, there could be no conceivable legitimate use of it by another person". Thus the "coined" "created", "Fancy", or "new" words which were not in use in any language before, and which did not have any meaning in the ordinary language, as evidenced by their absence in authoritative and standard language dictionaries, were the exclusive property of the person who first "coined", or created them and adopted them for use, and used it in connection with any article the only reason why a hitherto meaningless word would be used by another in connection with his activities would be to deceive the public, that the latters' article, thing or goods or the articles, thing, or goods of the former. He also observed that "he was unable to see why a man should be allowed in this way, more than in any other, to deceive purchasers into the belief that they are getting what they are not, and thus to filch the business of a rival".

Not only words can be used in connection with articles of manufacture and denote a connection in course of trade for the purposes of Trade and Merchandise Marks Act, and be exclusively appropriated by the person who has first used the words; words can also be exclusively appropriated under the law of copyright which exists for protecting intellectual property, in earlier times by common law, and later on by the Copyright statute. The common law rights which were not made a part of the statutory copyright law are being still protected by Common Law Courts.

Words whether descriptive or coined/invented/fancy have all along been capable of being exclusively appropriated, as stated

above, not only as marks or trade marks but also as names/titles of books, magazines, plays, Motion Picture etc. To determine whether the words, whether descriptive, coined, fancy, or invented, have been exclusively appropriated, the legal tests are the same in Trade Mark Law, as in the Copyright law. Thus, even in the case of Copyright law, what is required to be shown is, whether the word is a word of ordinary language, or whether the word is a fancy, invented, or coined word. In the case of the former, as in trade mark law, what is required to be further established is whether the common word or phrase has acquired secondary significance or not. In case, it has, then the same is protected as the name/title of book, newspapers, magazines, plays motion pictures etc., as it has acquired a name and reputation in the market place where such vendible commodities are bought and sold. In case of fancy, invented, coined word the case is much easier, as a reference to the authoritative dictionaries of the language would clearly establish whether the word in question, exists in the language dictionaries, if not, it is a coined, fancy, invented word which is not a part of the language. Such word must be found to be owned by the person who has so devised the word, by applying the skill and labour test, laid down in inter alia in AIR 1924 PC 75; (1960) 1 Mad LJ 53 : (AIR 1961 Mad 111), which test is applicable in all copyright cases. The test being based on the principle that what is protected is what has originated from the author (1964) 1 All ER 465 Ladbroke Football, relying upon (1894 AC 335). What originates from the author as a result of exercise of his skill and labour, is his "expression" which is protected by the law of copyright. The "skill and labour" does not depend upon the time taken by the author as greater is the skill of the author less will be the time taken what would be relevant would be whether what has originated from the author is new, or distinctive, even a successful adaptation from another language.

In the light of this judgment, it is found that in case the common names are used and the same has gained great goodwill, then the person

who coined or created the new word has exclusive right over the said words etc.

Revering to the present matter, as per plaint, the trade name 'Krishi Rasayan' was adopted in the year 1966 and also started using the trade name 'Krishi Rasayan Exports Pvt. Ltd.' in the year 1996. Prima facie, 'Krishi' and 'Rasayan' if, read jointly, it becomes distinctive and unique. Hence, even though the word Krishi and Rasayan are two distinctive words, but considering the fact that the trade name 'Krishi Rasayan' has been used since 1966, the plaintiff has right over the said trademark.

12. Further, the plaintiff has filed on record independent auditors report of M/s Krishi Rasayan Pvt. Ltd., it is found that said trade name is being used and is earning huge profit. The trade name / mark of defendant Royel Krishi Rasayan Pvt. Ltd. is descriptively, phonetically similar to the trade name of plaintiff. Hence, prima facie, case lie in favor of the plaintiff. Accordingly balance of convenience also lie in favor of the plaintiff. Further it is found that irreparable loss would accrue to the plaintiff in case defendant is not restrained from using the trademark 'Royel Krishi Rasayan Pvt. Ltd.' which is deceptively similar to the trademark of plaintiff. Accordingly, the application moved by the plaintiff U/o XXXIX Rule 1 & 2 CPC, stands allowed and the defendants, its partners, principal officers, servants, representatives, agents and all others acting for and on behalf of defendants etc. are restrained from using the impugned mark 'Krishi Rasayan' and / or any mark identical

or deceptively similar mark to the plaintiffs trademarks, in a manner as may amount to passing off the defendants services and business as those of the plaintiff.

(BHUPESH KUMAR)
District Judge (Commercial Courts)-05
South-East District, Saket, New Delhi/23.04.2024