

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. OF 2026
(arising out of SLP(C) No. 30412/2025)

M/S. SHIV TEXTILES APPELLANT(S)

VERSUS

ICONIC IP INTERESTS, LLC RESPONDENT(S)

O R D E R

1. Leave granted.
2. M/s. Shiv Textiles, the appellant, is a sole proprietorship, represented by its proprietrix, Varshaben Kantilal Talreja. She obtained the registration of Trademark No. 4075126 for 'Jolly Ranger Legwear' in Class-25 in respect of 'Jeans Pants' on 27.07.2019. She claims to have used the trademark from 01.01.2019. While so, Iconic IP Interests, LLC, the respondent, which was incorporated at Delaware in the United States of America, issued legal notices dated 28.04.2023, 09.06.2023 and 17.08.2023 calling upon the appellant to cease and desist from using its trademark on the ground that it had been using 'Jolly Rancher' globally since 2004 for a variety of goods, including those in Class-25. The respondent claimed that it had started using it for candy in the year 1996.

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Deepak Gupta
Date: 2026.09.30
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Reason:

Admittedly, the respondent applied for registration of the trademark 'Jolly Rancher' in Class-25 only on 07.06.2023 with

the user detail stated as 'proposed to be used'. This trademark is stated to have been registered on 09.10.2023.

4. Aggrieved by the legal notices issued to it, the appellant filed Commercial Trade Mark Suit No. 1/2023 before the Commercial Court, Bhavnagar, Gujarat, against the respondent. This suit was filed praying for a declaration and a permanent and perpetual injunction from infringement of the registered trademark.
5. While so, the respondent filed an application therein under Order VII Rule 11 of the Code of Civil Procedure, 1908¹, seeking rejection of the plaint on grounds of non-disclosure of a cause of action and non-joinder of all the necessary parties. However, by order dated 22.11.2024, the trial Court rejected the said application, noting that the suit could not be summarily dismissed at that juncture as the grounds taken by the respondent did not fall within the ambit of Order VII Rule 11 of the CPC.
6. Aggrieved thereby, the respondent filed R/Special Civil Application No. 1543/2025 under Article 227 of the Constitution of India before the High Court of Gujarat at Ahmedabad. By the impugned judgment dated 09.05.2025, a Division Bench of the High Court allowed the petition and rejected the appellant's plaint on the ground that there was no cause of action. This judgment is subjected to challenge before us presently.

1 "CPC", for short

7. Significant to note, the respondent thereafter filed Civil Suit (Commercial) No. 870/2023 before the Delhi High Court against the proprietrix of the appellant, by name, praying for a permanent injunction restraining her from manufacturing, offering for sale, selling, displaying, advertising and marketing ready made clothing, viz. Jeans and Pants, under the mark 'Jolly Ranger', which is identically/deceptively similar to its mark 'Jolly Rancher'.
8. Having heard the learned counsel for the appellant and the learned senior counsel appearing for the respondent, we are at a loss to understand as to how the respondent can prevent the appellant from maintaining a suit against it by claiming there was no cause of action, despite issuing three cease and desist notices to it. Issuance of such notices, by itself, constituted a cause of action for the appellant to have initiated legal proceedings against the respondent. Further, institution of a suit by the respondent against the appellant on the very same issue, that is, with regard to the registered trademark being used by the appellant, clearly demonstrates that the appellant did have a cause of action for filing a suit.
9. The High Court was, therefore, not justified in drawing the inference there that was no cause of action for the appellant to have filed a suit at that point of time. Necessary weightage was not attached to the fact that it was the respondent that had created the cause of action for the

appellant by issuing multiple cease and desist notices. The impugned judgment is, accordingly, set aside and Commercial Trade Mark Suit No. 1/2023 is restored to the file of the Commercial Court, Bhavnagar, Gujarat. Proceedings therein shall resume and continue in accordance with law.

10. The appeal is allowed in the aforestated terms.

Pending application(s), if any, stand disposed of.

.....J.
(SANJAY KUMAR)

.....J.
(SANJEEV SACHDEVA)

NEW DELHI;
SEPTEMBER 29, 2026.

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Petition for Special Leave to Appeal (C) No. 30412/2025

[Arising out of impugned final judgment and order dated 09-05-2025 in SCA No. 1543/2025 passed by the High Court of Gujarat at Ahmedabad]

M/S. SHIV TEXTILES

Petitioner(s)

VERSUS

ICONIC IP INTERESTS, LLC

Respondent(s)

(IA No. 253890/2025 - CONDONATION OF DELAY IN REFILING / CURING THE DEFECTS)

Date : 29-09-2026 This matter was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE SANJAY KUMAR
HON'BLE MR. JUSTICE SANJEEV SACHDEVA

For Petitioner(s) :

Mr. Ankit Anandraj Shah, AOR
Mr. Ankit Kumar Tiwari, Adv.
Ms. Samiksha Yadav, Adv.

For Respondent(s) :

Mr. Sidharth Mridul, Sr. Adv.
Mr. Nikhil Sharma, Adv.
Mr. Aman Venugopal, Adv.
Mr. Anuj Dhar, Adv.
Ms. Nimisha Menon, AOR

UPON hearing the counsel, the Court made the following
O R D E R

Leave granted.

The appeal is allowed, in terms of the signed order.

Pending application(s), if any, stand disposed of.

(DEEPAK GUGLANI)
DEPUTY REGISTRAR

(PREETI SAXENA)
COURT MASTER (NSH)
(signed order is placed on the file)