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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CS(COMM) 617/2022 & I.As. 14369/2022, 14370-71/2022**
SUNSHINE TEAHOUSE PVT. LTD. Plaintiff

Through: Mr. Jayant Mehta, Mr. Ankit Miglani,
Ms. Jyoti Nambiar and Ms. Kaveri
Rawal, Advocates. (M:7276358720)

versus

MTRM GLOBAL PVT. LTD. Defendant

Through: Ms. Swathi Sukumar, Mr. Abhishek
Jain, ms. Sutapa Jana, Ms. Anjali
Bisht, Ms. Himangi Kapoor and Mr.
Ritik Raguwanshi, Advocates.
(M:9810857920)

CORAM:

JUSTICE PRATHIBA M. SINGH

ORDER

% **06.09.2022**

1. This hearing has been done through hybrid mode.

I.A. 14371/2022 (for exemption)

2. This is an application seeking exemption from filing certified/cleared/typed or translated copies of documents. Exemption is allowed, subject to all just exceptions.

3. *I.A. 14371/2022* is disposed of.

I.A. 14370/2022 (additional documents)

4. This is an application seeking leave to file additional documents under the Commercial Courts, Commercial Division and Commercial Appellate Division of High Courts Act, 2015 (*hereinafter, 'Commercial Courts Act'*). The Plaintiff, if it wishes to file additional documents at a later stage, shall do so strictly as per the provisions of the Commercial Courts Act.

5. *I.A. 14370/2022* is disposed of.

CS (COMM) 617/2022

6. Let the plaint be registered as a suit.
7. Issue summons to the Defendant through all modes upon filing of Process Fee.
8. The summons to the Defendant shall indicate that a written statement to the plaint shall be positively filed within 30 days from the date of receipt of summons. Along with the written statement, the Defendant shall also file an affidavit of admission/denial of the documents of the Plaintiff, without which the written statement shall not be taken on record.
9. Liberty is given to the Plaintiff to file a replication within 15 days of the receipt of the written statement(s). Along with the replication, if any, filed by the Plaintiff, an affidavit of admission/denial of documents of the Defendant, be filed by the Plaintiff, without which the replication shall not be taken on record. If any of the parties wish to seek inspection of any documents, the same shall be sought and given within the timelines.
10. List before Court on 23rd September, 2022.

I.A. 14369/2022(for stay)

11. The present suit for permanent injunction restraining infringement of trademark and unauthorised use of trade name *etc.* relates to the trademarks 'CHAAYOS' and 'CHAIOPS'. The Plaintiff's brand 'CHAAYOS' was established and started operations in the year 2012 and it claims to be the leading chain of Chai Cafes in India operating in various States across the country offering customised Chai in several variants. The Plaintiff has a number of registered trademarks in various Classes including Classes 16, 43, 29 and 30. The Plaintiff claims user of the mark 'CHAAYOS' since 2012. As on date, as per the Senior counsel for the Plaintiff, the Plaintiff has more than

200 outlets across the country. The Plaintiff also claims to have a huge presence in the online delivery system as well.

12. The Defendant adopted the mark 'CHAIOPS' for selling tea products through a cafe under the name and style of 'CHAIOPS'. The case of the Plaintiff is that the Defendant adopted the mark 'CHAIOPS' for products and services identical to the Plaintiff's services and products which is a violation of the Plaintiff's registered trademark 'CHAAYOS'. Ms. Sukumar, Id. Counsel for the Defendant submits that the Defendant already had 37 outlets.

13. Admittedly, there is no similarity in the device and logo of the parties. The only issue between the parties is regarding the phonetic/ ocular similarity of 'CHAAYOS' & 'CHAIOPS' marks.

14. After hearing submissions of Id. Counsels for the parties, it appears that there is a possibility of amicable resolution of the disputes. Considering these facts, Mr. Sidharth Chopra, Id. Counsel, who is present in Court is appointed as the Mediator to attempt amicable resolution of disputes between the parties. The mediation shall be undertaken under the aegis of the Delhi High Court Mediation and Conciliation Centre (*hereinafter "Mediation Centre"*) on **7th September, 2022 at 4:00 P.M.**

15. Parties to appear before the Id. Mediator either virtually or physically, subject to the convenience of all concerned. It shall be ensured that competent officials on behalf of the Plaintiff and the Defendant shall be present in the mediation proceedings.

16. List before Court on 23rd September, 2022.

PRATHIBA M. SINGH, J

SEPTEMBER 6, 2022

dj/sk