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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **CS(COMM) 98/2025 & I.A. Nos. 2965-2971/2025**

GUILTFREE INDUSTRIES LIMITED

.....Plaintiff

Through: Mr. Chander M. Lall, Senior
Advocate with Mr. Ayush Sharma
and Ms. Annanya Mehan, Advocates.
(M): 9899096069

versus

ANANTJEET NUTRIMENTS LLP & ORS.

.....Defendants

Through: None.

CORAM:

HON'BLE MS. JUSTICE MINI PUSHKARNA

ORDER

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04.02.2025

I.A. 2971/2025 (Exemption from filing clear copies of the documents)

1. The present is an application under Section 151 of the Code of Civil Procedure, 1908 ("CPC"), on behalf of the plaintiff, seeking exemption from filing clear copies, typed copies and documents with proper margins and leave to file lengthy synopsis.
2. Exemption is granted, subject to all just exceptions.
3. Plaintiff shall file legible, clear, and translated copies of the documents, on which the plaintiff may seek to place reliance, before the next date of hearing.
4. Accordingly, the present application is disposed of.

I.A. 2969/2025 (Exemption from undergoing Pre-Institution Mediation)

5. The present is an application under Section 12A of the Commercial



Courts Act, 2015, read with Section 151 of CPC, seeking exemption from undergoing Pre-Institution Mediation.

6. Issue notice to the defendants, returnable on the next date of hearing.

I.A. 2967/2025 (Application seeking leave to file additional documents)

7. This is an application under Order XI Rule 1(4) read with Section 151 CPC as amended by the Commercial Courts Act, 2015, seeking leave to file additional documents.

8. The plaintiff, if it wishes to file additional documents at a later stage, shall do so strictly as per the provisions of Commercial Courts Act, 2015 and the Delhi High Court (Original Side) Rules, 2018.

9. The application is disposed of, with the aforesaid directions.

I.A. 2966/2025 (Exemption from advance service to the defendants)

10. The present is an application under Section 151 CPC, seeking exemption from advance service to the defendants.

11. Since summons is being issued to the defendants, noting the aforesaid, the present application is disposed of.

I.A. No. 2970/2025 (Application seeking enlargement of time for filing Court Fees)

12. The present application has been filed under Section 149 read with Section 151 CPC seeking enlargement of time for filing Court Fees.

13. Learned Senior Counsel appearing for the plaintiff submits that the Court Fees shall be filed within a period of one week from today.

14. Liberty is granted.

15. Noting the aforesaid, the present application is disposed of.

I.A. 2968/2025 (Application for appointment of Local Commissioner)

16. In view of the summons being issued, the present application is



disposed of.

CS(COMM) 98/2025 & I.A. 2965/2025 (Application under Order XXXIX Rules 1 and 2 CPC)

17. Let the plaint be registered as suit.

18. Upon filing of the process fee, issue summons to the defendants by all permissible modes, including *Dasti*, returnable on the next date of hearing.

19. Summons shall state that the written statement be filed by the defendants within thirty days from the date of receipt of summons. Along with the written statement, the defendants shall also file affidavit of admission/denial of the plaintiff's documents, without which, the written statement shall not be taken on record.

20. Liberty is given to the plaintiff to file replication within thirty days from the date of receipt of the written statement. Further, along with the replication, if any, filed by the plaintiff, an affidavit of admission/denial of documents of the defendants, 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 the documents, the same shall be sought and given within the timelines.

21. Learned Senior Counsel appearing for the plaintiff submits that the plaintiff has conceived and created various marks and has also created and adopted various unique and distinctive and artistic works containing these marks. It is submitted that the plaintiff conceived and created the packaging for its product, i.e., Bhoot Chips, as follows:



22. It is submitted that the defendant is selling its product in similar



packaging, which is slavish imitation of the artistic packaging/trade dress of the plaintiff.

23. Learned Senior Counsel appearing for the plaintiff submits that the defendant has just adopted the packaging recently, which was discovered by the plaintiff in January, 2025 itself. Thus, he submits that the defendant may not flood the market with the similar packaging.

24. Accordingly, issue notice in *I.A. No. 2965/2025*.

25. Let reply be filed within a period of four days. Rejoinder thereto, if any, be filed within a period of two days thereafter.

26. Along with the reply, the defendants are also directed to file their stock statement of the products manufactured till today i.e., 04th February, 2025.

27. The defendants are directed not to release further products with trade



dress  in the market till the next date of hearing.

28. However, it is clarified that the defendants can continue to use their mark and release products in a packaging which is not similar to the packaging of the plaintiff.

29. It is further clarified that the products already packed in the aforesaid packaging and released in the market, shall be allowed to be exhausted.

30. List before the Court on 11th February, 2025.

31. *Dasti* under signatures of the Court Master.

MINI PUSHKARNA, J

FEBRUARY 4, 2025

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