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

+ **CS(COMM) 33/2025 with I.A. 913-915/2025**

DABUR INDIA LIMITED

.....Plaintiff

Through: Mr. Hemant Singh, Mr. Manish Kumar Mishra, Ms. Akansha Singh and Mr. Harshit Raj, Advocates.

versus

PATANJALI AYURVED LTD

.....Defendant

Through: Mr. Jayant Mehta, Sr. Advocate with Mr. Simranjeet Singh, Ms. Neha Gupta, Mr. Rishabh Pant, Ms. Jasleen Virk, Advocates.

CORAM:

HON'BLE MR. JUSTICE AMIT BANSAL

ORDER

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15.01.2025

I.A. 915/2025 [O-XI R-1(4) of the Commercial Courts Act]

1. The present application has been filed on behalf of the plaintiff seeking leave to file additional documents under the Commercial Courts Act, 2015.
2. The plaintiff is permitted to file additional documents in accordance with the provisions of the Commercial Courts Act, 2015 and the Delhi High Court (Original Side) Rules, 2018.
3. Accordingly, the application is disposed of.

CS(COMM) 33/2025 with I.A. 913/2025 (under Order XXXIX Rules 1 and 2 CPC) and I.A. 914/2025 (u/s 12A of Commercial Courts Act)

4. The primary grievance of the plaintiff in the present case is with regard to the trade dress adopted by the defendant in respect of its product



‘DANT KANTI RED’ toothpaste. The similarities between the competing products have been highlighted at page 39 of the plaint.

5. Mr. Hemant Singh, counsel appearing on behalf of the plaintiff submits that the plaintiff does not have grievance with the earlier packaging of the defendant in respect of the similar product. He further submits that the plaintiff has no grievance with regard to the use of the mark ‘RED’ as well as ‘pan leaf’ device used as a part of the impugned trade dress.

6. Mr. Hemant Singh submits that as per the plaintiff’s knowledge, the impugned trade dress was adopted by the defendant only in December, 2024.

7. Without prejudice to the rights and contentions of the defendant, counsel appearing on behalf of the defendant shall take instructions whether the defendant is willing to make modifications to the aforesaid trade dress.

8. List on 31st January, 2025.

AMIT BANSAL, J

JANUARY 15, 2025/PB