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

+ **CS(COMM) 454/2023 and I.A. 11022/2025**

LOTUS HERBALS PRIVATE LIMITEDPlaintiff

Through: Mr. Abhishek Bansal, Mr. O.P. Bansal, Mr. Manvendra and Ms. Nishtha, Advocates.

versus

**DPKA UNIVERSAL CONSUMER
VENTURES PRIVATE LIMITED & ORS.**Defendants

Through: Mr. Dhruv Anand, Ms. Udit Patro, Ms. Nimrat Singh, Ms. Sampurnaa Sanyal and Mr. Dhananjay Khanna, Advocates for D-1, D-2 and D-4.

**CORAM:
HON'BLE MR. JUSTICE AMIT BANSAL**

ORDER
02.05.2025

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I.A 110022/2025 (u/O XI Rule 1(5) of CPC, 1908)

1. Counsel for the defendants no.1, 2 and 4 does not object to the application.
2. Accordingly, the application is allowed and the additional documents are permitted to be taken on record.
3. The application stands disposed of.

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4. The defendant no.3 has already been deleted *vide* order dated 29th January, 2025.



5. Let amended memo of parties be filed by the plaintiff within one (1) week from today.
6. The matter is listed for framing of issues. Based on the pleadings of the parties, the following issues are framed in the suit:
- i. *Whether the Plaintiff is the registered proprietor of the 'LOTUS' trademark?* ~OPP
 - ii. *Whether the use of the mark 'Lotus Splash' by the Defendants amounts to infringement of the Plaintiff's trademark 'Lotus'?* ~OPP
 - iii. *Whether the use of the mark 'Lotus Splash' by the Defendants amounts to passing off the Plaintiff's trademark 'Lotus'?* ~OPP
 - iv. *Whether the Plaintiff is entitled to a decree of permanent injunction restraining the Defendants, its partners, directors etc. from using the impugned mark 'Lotus Splash' as prayed?* ~OPP
 - v. *Whether the Plaintiff is entitled to an order of rendition of accounts of profits earned by the Defendants on account of the unauthorized usage of the impugned mark 'Lotus Splash' and decree of the amount so found due to the Plaintiff?* ~OPP
 - vi. *Whether the Plaintiff is entitled for an order of damages?* ~OPP
 - vii. *Whether the Defendants are using the impugned mark 'Lotus Splash' in a descriptive manner?* ~OPD
 - viii. *Whether the term 'Lotus' in respect of products containing Lotus/Lotus Extract is publici juris?* ~OPD
 - ix. *Whether by using the expression LOTUS SPLASH in relation to their facial cleaner, the Defendants are entitled to the benefit of Sections 30(2)(a) and 35 of the Trademarks Act, 1999?* ~OPD



- x. *Whether the use of the house mark 82° E in conjunction with the expression LOTUS SPLASH, along with other surrounding circumstances is sufficient to dispel the possibility of consumer confusion, if any?* ~OPD
- xi. *Any other relief.*
7. No other issue is pressed for or arises for consideration.
8. Parties shall file their respective list of witnesses within four weeks from today.
9. The plaintiff shall file evidence of its witnesses by way of affidavits within six weeks from today.
10. List before the Joint Registrar for fixing the dates of trial on 21st July, 2025.

AMIT BANSAL, J

MAY 02, 2025

Vivek/-