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

Reserved on: 15th September, 2025
Date of Decision: 24th December, 2025
Date of uploading: 27th December, 2025

+ EX.P. 109/2024 & EX.APPL.(OS) 1488/2025

META PLATFORMS INC

.....Decree Holder

Through: Mr. J.V. Abhay, Mr. Dhruv Grover,
Advocates

versus

NOUFELMALOL AND ANR

.....Judgement Debtors

Through: Mr. Haneesh Krishnan, Advocate
(through VC)

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CORAM:**HON'BLE MS. JUSTICE MANMEET PRITAM SINGH ARORA****J U D G M E N T****MANMEET PRITAM SINGH ARORA, J:**

1. The present execution petition has been filed by the decree holder against the judgment debtors ['JDs'] seeking execution of the judgment and decree dated 06.07.2022 passed in CS(COMM.) 499/2020 titled as 'Meta Platforms, Inc. v. Noufel Malol & Anr.', wherein the Coordinate Bench of this Court had, inter alia, granted a permanent injunction restraining the JDs from using (i) the FACEBAKE / FACECAKE marks; (ii) any other marks deceptively similar to Meta's 'FACEBOOK' mark; (iii) the www.facebake.in domain name; (iv) the facebake.mail@gmail.com, facebake649@gmail.com email IDs. The Coordinate Bench also awarded nominal damages of Rs. 50,000/- as well as cost of the suit in favour of the



decree holder.

2. It is stated in the petition that throughout the proceedings in CS(COMM.) 499/2020, the JDs acted in a mala fide and contumacious manner by repeatedly avoiding appearance before the Court despite due service. It is stated that on 12.11.2020, the Coordinate Bench of this Court granted an ex parte ad-interim injunction restraining JD-1 from using the mark 'FACEBAKE' or any other deceptively similar mark, including logos similar to the Petitioner's FACEBOOK trademarks; however, despite clear knowledge of this injunction, JD-1 continued infringing activities.

2.1 It is stated that on 21.01.2021, during the pendency of the suit, the injunction was confirmed, the domain www.facebake.in was suspended, and JD-1 was proceeded ex parte. It is stated that, in wilful disobedience of the Court's orders, JD-1 incorporated Ehrlich Foods and Beverages Pvt. Ltd./JD-2 and adopted the mark 'FACECAKE', changing only one alphabet to evade the injunction; JD-2 also applied for trademark registration and promoted its services on social media and online platforms, openly admitting that the name was changed due to similarity concerns with 'FACEBOOK'.

2.2 Both JD-1 and JD-2 failed to appear despite service and were proceeded ex parte, and the Coordinate Bench of this Court, by judgment dated 06.07.2022, recognised the decree holder's rights in the FACEBOOK trademarks, and granted a permanent injunction along with nominal damages and legal costs.

2.3 It is stated that despite the decree, the JDs have continued to violate the Court's directions by using infringing marks such as 'FACEBAKE' and 'FACECAKE', operating retail outlets, domains, email addresses, and



listings on online and food-delivery platforms, and by failing to pay the damages and costs awarded. It is stated that JDs continued non-compliance demonstrates wilful, deliberate, and conscious disobedience of the decree, amounting to a blatant disregard of the authority of this Court.

Submissions by the Decree Holder

3. Learned counsel for the decree holder submitted that the JDs repeatedly claimed compliance with the permanent injunction by asserting that all outlets had been renamed from FACEBAKE / FACECAKE to BUNCAKE. However, decree holder's investigation revealed continued infringement at several outlets, compelling the JDs to later admit non-compliance and remove infringing signage from additional branches. Despite partial compliance steps, the JDs have continued to use the infringing marks on online platforms, websites, invoices, and domain names, demonstrating incomplete and belated compliance with the decree.

3.1 He submitted that in the judgment and decree dated 06.07.2022, decree holder was awarded nominal damages of ₹50,000/-, and costs of ₹2,00,628.20/- were later quantified by order dated 22.11.2023. He submitted that although the JDs undertook to pay the decretal amount in their compliance affidavit dated 21.05.2025, the amount was remitted only on 16.09.2025, i.e., more than three years after the decree and only after repeated execution proceedings and directions of this Court.

3.2 He submitted that in view of the JD's prolonged post-decree infringement, false affidavits, and unjust enrichment from continued misuse of decree holder's well-known marks, decree holder seeks costs of the execution proceedings and restitutionary compensation. He contended that mere remittance of the decretal amount does not neutralize the wrongful



gains accrued during years of non-compliance, and that this Court is empowered to award additional costs and restitutionary damages to ensure complete justice and effective enforcement of the decree.

Submissions by the Judgment Debtors

4. Learned counsel for the JDs submitted that they have the highest regard for the orders and judgment of this Court and have never acted in violation thereof. He stated that the JD-1 is the proprietor of the JD-2 and that they have duly complied with the judgement and decree dated 06.07.2022 passed in CS (COMM.) No. 499/2020.

4.1 He stated that the JDs run 53 shops on a franchise basis in and around Bengaluru, Karnataka, and in compliance with the injunction, they have changed the name of their outlets from 'FACEBAKE / FACECAKE' to 'BUNCAKE'. He stated in the reply dated 21.05.2025, at paragraph 2, that the Branches numbered 1 to 37, which were earlier operating under the impugned names 'FACEBAKE / FACECAKE', have been renamed as 'BUNCAKE', while branches 38 to 53 were already operating under the name 'BUNCAKE'.

4.2 He further submitted that the name boards of all 53 branches have been changed to the complete satisfaction of the Court's order. He submitted that JDs also undertake to pay the amounts directed by the Coordinate Bench of this Court towards damages and costs of the suit to the decree holder, upon being informed of the mode of payment.

4.3 He submitted that on these grounds the present execution petition be disposed of.

Analysis and Findings

5. This Court has heard the learned counsels for the parties and has



perused the record.

6. Coordinate Bench of this Court vide order dated 21.01.2025 issued notice to the JDs in the present execution petition.

7. Vide order dated 08.05.2025, learned counsel appeared on behalf of the JDs and submitted that in partial compliance with the judgment and decree dated 06.07.2022, the names of 25 out of 52 infringing outlets had already been changed, while the remaining 27 outlets were yet to be renamed, for which a further period of two weeks was sought, asserting bona fide intention to comply, and the Court directed the JDs to fully comply with the judgment and decree dated 06.07.2022 within two weeks. The JDs filed a reply dated 21.05.2025 which recorded their statement on compliance and their willingness to make payment of damages and costs to the decree holder upon being provided the bank details.

8. The decree holder engaged an investigator to verify the statements made by the JDs in their aforesaid reply dated 21.05.2025. The decree holder filed an affidavit dated 01.08.2025 enlisting the report of the investigator which reported that at some of the outlets (about 14 out of 53) the infringing marks were still visible on the sign boards. At the hearing dated 05.08.2025, JDs undertook to take remedial steps of the infringements enlisted in the affidavit dated 01.08.2025 and once again sought details from the decree holder to remit the monetary payment towards damages and costs.

9. The JDs filed a further compliance statement on 06.08.2025 and stated that the infringements noticed by the investigator at the 14 outlets have also been removed. In this reply, JDs once again sought details of the bank account of the decree holder for remitting the damages and costs.



10. In these facts, when the matter was called out on 15.09.2025, JDs stated that since all directions in the decree dated 06.07.2022 have been complied with, the execution proceedings be disposed of. JDs once again sought details of the bank account of the decree holder for remitting the damages and costs and stated that these details were not being provided. The decree holder confirmed its satisfaction that the infringements pointed out by investigator at the 14 outlets have been removed by the JDs, however, the decree holder opposed the disposal of the petition on the ground that it was pressing for costs. In these circumstances, orders were reserved to decide the issue of satisfaction of the decree and award of costs of execution proceedings, if any, in favour of decree holder.

11. While the judgment was reserved, the decree holder filed an application, being EX. APPL. (OS) 1488/2025, seeking correction of the order dated 15.09.2025. In the said application, the decree holder raised additional issues regarding compliance by the JDs, inter alia, relating to the removal of URLs from social media platforms and the withdrawal of trademark applications from the Trade Marks Registry. It was stated that these additional issues had been communicated to the JDs vide letter dated 21.09.2025. Learned counsel for the JDs appeared on 15.10.2025 and submitted that partial compliance had already been effected pursuant to the decree holder's letter dated 21.09.2025 and further undertook to address all remaining additional issues highlighted in the said application. The statement made on behalf of the judgment debtors was taken on record, and the application was heard and disposed of on 15.10.2025.

12. The issue arising before the Court is whether the decree dated 06.07.2022 has been complied with by the JDs and has been satisfied or not.



13. The Court in its judgment dated 06.07.2022 passed a decree for permanent injunction, a decree for delivery up, decree for nominal damages of ₹50,000/- and a decree of costs which stands computed at ₹2,00,628.20/-.

14. The decree holder, in its written submissions, acknowledges that the costs and damages were received on 16.09.2025. However, it has raised a grievance that the said remittance was made after a delay of three years. This Court, however, notes that the JDs, since 21.05.2025, had repeatedly requested the decree holder to furnish the bank account details for remittance of the decretal amounts; however, the decree holder inexplicably failed to provide the same until the hearing dated 15.09.2025. In these circumstances, this Court finds that it was the decree holder who exhibited a lack of initiative in accepting the monies awarded under the decree dated 06.07.2022.

15. In addition, the Court in its judgment dated 06.07.2022 issued a decree of permanent injunction restraining the defendants from using the deceptively similar marks FACEBAKE and FACECAKE as well as the e-mail addresses which included the said marks as is evident from the orders dated 08.05.2025 and 15.09.2025, the issue of compliance of the said permanent injunction vis-à-vis the outlets has been recorded to the satisfaction of the decree holder.

16. The decree holder, by way of application EX. APPL.(OS) 1488/2025 listed on 15.10.2025, sought to raise additional issues pertaining to URL links on social media platforms and the withdrawal of an application before the Trade Marks Registry. It was stated that these issues had been communicated to the judgment debtors (JDs) vide letter dated 21.09.2025. The JDs appeared before this Court on 15.10.2025 and submitted that they



had already acted upon the issues highlighted in the letter dated 21.09.2025 and had taken appropriate steps in that regard. The JDs further undertook to comply with the demands enumerated in the said letter. The issues raised by the decree holder in EX. APPL.(OS) 1488/2025 were not argued before this Court on 15.09.2025, when orders were reserved. The said application was filed subsequently on the basis of the communication dated 21.09.2025. Although the matter was listed before this Court on 08.05.2025, 05.08.2025, 12.08.2025, and 15.09.2025, the issues highlighted by the decree holder in its letter dated 21.09.2025 were not raised before the Court on any of the said dates. This Court, however, takes note of the compliance offered by the JDs. In the facts and circumstances of the case, this Court finds that the JDs have substantially complied with the decree of permanent injunction dated 06.07.2022 and remain ready and willing to comply with any further issues, if any, as may be highlighted by the decree holder.

17. At the hearing dated 15.09.2025, the decree holder stated that it was pressing for costs of the execution proceedings. In its written submissions dated 23.09.2025, the decree holder, in addition, sought restitutionary compensation on the allegation of continued use of the impugned marks by the JDs for a period of three years subsequent to the passing of the decree, i.e., between 2022 and 2025. In support thereof, the decree holder sought to invoke the inherent jurisdiction of this Court for the award of such compensation, apart from costs. This Court, however, notes that the issues forming the basis of the said claim were raised belatedly, were not urged at the stage when orders were reserved, and as recorded hereinabove, the judgment debtors have substantially complied with the decree of permanent injunction dated 06.07.2022. In these circumstances, the prayer for



restitutionary compensation is misconceived and devoid of merit.

18. In the facts of the present case, the judgment and decree dated 06.07.2022 was an ex parte decree, and as borne out from the record of the present execution petition, no notice was issued by the decree holder to the JDs in the years 2022, 2023, or 2024 calling upon them to comply with the said decree prior to the filing of the present execution petition in December 2024. Ordinarily, before approaching the Court, the decree holder could have issued notice to the JDs seeking compliance of the decree dated 06.07.2022. The decree holder, however, took no steps in this regard until 19.12.2024, when the execution petition was first listed before this Court. This clearly demonstrates that the decree holder itself did not take any steps to secure compliance of the decree from the JDs during the period from 06.07.2022 to 19.12.2024. There is also no material on record to establish that the ex-parte decree dated 06.07.2022 was within the knowledge of the JDs prior to the filing of the present execution petition. For this reason, the Court finds no ground to levy further costs upon the judgment debtors or to award any restitutionary compensation.

19. The execution petition is, accordingly, disposed of with the observation that the decree insofar as the award of damages and costs is concerned stands satisfied.

20. The non-compliance of the relief of permanent injunction, to the extent highlighted in the present proceedings, has since been remedied by the judgment debtors. Since the injunction is perpetual in nature, in the event of any future violation by the judgment debtors, the decree holder shall be at liberty to approach the Court for enforcement of the permanent injunction. As the facts stand today, however, the judgment debtors are in compliance



with the decree of permanent injunction and have taken appropriate steps in that regard.

21. The decree holder is put to notice that, in the event any further infraction or non-compliance of the decree of permanent injunction comes to its attention, it shall, in the first instance, issue a notice to the JDs calling upon them to forthwith cease such infraction and ensure compliance with the decree. Only in the event of failure on the part of the JDs to comply despite such notice, shall the decree holder be at liberty to approach this Court for appropriate relief in accordance with law.

22. The other reliefs sought by the decree holder invoke the contempt jurisdiction of this Court; however, in view of the facts recorded hereinabove, including the substantial compliance by the judgment debtors with the decree of permanent injunction, the absence of any wilful or deliberate disobedience, and the lack of prior notice to the judgment debtors before initiation of these proceedings, the said reliefs are misconceived and are not liable to be adjudicated upon or granted.

23. With the aforesaid observation, the petition stands disposed of. No order as to costs.

24. Pending applications, if any, stand disposed of.

MANMEET PRITAM SINGH ARORA, J
DECEMBER 24, 2025/mt/AM