



2025:DHC:3709



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

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Reserved on: April 25, 2025

Pronounced on: May 14, 2025

+ **CS(COMM) 334/2024**

PLUTO TRAVELS INDIA PRIVATE LIMITEDPlaintiff

Through: Ms. Achal Shekhar, Ms. Shruhita
Amit and Ms. Aayushi Pandey,
Advs.

Versus

PTW HOLIDAYS PRIVATE LIMITEDDefendant

Through: Mr. Rishub Kapoor, Adv.

CORAM:

HON'BLE MR. JUSTICE SAURABH BANERJEE

J U D G M E N T

I.A. 9175/2024-Stay

Preface:

1. The plaintiff, in this suit for permanent injunction along with other ancillary relief(s), has filed the present application under *Order XXXIX Rules 1 & 2* of the Code of Civil Procedure, 1908¹ seeking an *interim injunction* restraining the defendant from advertising, promoting, displaying, marketing, and/ or using the mark “PLUTO TOURS”/

¹ Hereinafter referred as “CPC”



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thereby infringing its trademarks “PLUTO”/ registered under the Trade Marks Act, 1999².

Factual Narration:

2. The plaintiff, Pluto Travels India Private Limited, incorporated in the year 2004, is a leading luxury car rental company offering a diverse range of transport, travel and tour services, which include leisure tours, airport transfer, hotel/ office transfers, intercity travel, transportation for conferences, event and functions, sightseeing and pilgrimage, wedding transportation, as well as short term and long term car rentals across all major cities in India.

3. Since its incorporation, the plaintiff adopted the word “PLUTO” as its trademark/ tradename and has since then been using it continuously. The plaintiff filed trademark application no.3024008 for registration of the word mark “PLUTO” on 30.07.2015 claiming user since 21.04.2004. The plaintiff also obtained the registration of the domain name www.plutotravels.com in the year 2004, which has been actively operational website since the year 2009. Thereafter, after adopting a




distinctive device mark in respect of its services in January 2016, the plaintiff filed trademark application no.3244423 for registration of the same on 26.04.2016 claiming user since 26.01.2016. Needless to

² Hereinafter referred as “*the Act*”



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mention, both word mark “PLUTO” and device mark  are duly registered in the name of the plaintiff and are validly subsisting.

4. The defendant, PTW Holidays Private Limited is a travel agency initially incorporated as a proprietorship by Mr. Panjak Samyal in March 2016, only to be subsequently converted into a partnership firm in September 2016 and lastly reconstituted as a private limited company in the year 2018.

5. Since its incorporation in March 2016, the defendant has always



been using the mark  till today. Though, the defendant had applied for registration of the same under *Class 39* on 28.11.2022, claiming usage since 14.04.2016, but it was abandoned following a Notice of Opposition filed by the plaintiff.

6. On becoming aware of the defendant, after receiving negative reviews/ comments on Google in relation to their services sometime in and around November 2022, the plaintiff conducted online searches and discovered that the defendant was providing tour and travel services under



the impugned marks “PLUTO TOURS”/  .

7. The plaintiff then issued Legal Notice(s), first on 04.11.2022 and then on 17.03.2023, each time calling upon the defendant to cease and



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desist from using the impugned marks “PLUTO TOURS”/ .
Receiving no response to either of them, the plaintiff then sent a reminder thereto on 04.04.2023, which also met with the same fate.

8. Aggrieved thereby, the plaintiff then instituted the present suit and filed the present application therein against the defendant herein.

Submission by learned counsel for plaintiff:

9. Ms. Achal Shekhar, learned counsel for the plaintiff has made the following submissions:-

9.1. The plaintiff, since its incorporation in 2004, had honestly and in a *bona fide* manner adopted the word mark “PLUTO” and in 2016 also



adopted a distinctive device mark as well. The plaintiff, being the admitted owner thereof, has been continuously using both the marks in relation to transport, travel and tour services since their respective adoption.



9.2. Both word mark “PLUTO” and the device mark being unrelated, have no reference to the nature of services offered by the plaintiff and is inherently distinctive. The plaintiff is, thus, entitled to the highest degree of protection. To buttress her contention, learned counsel



placed reliance upon *M/s Kirorimal Kashiram Marketing & Agencies Pvt. Ltd. v. M/s Sita Chawal Udyog Mill*³.

9.3. As evident from the growth in its customer base and cumulative sales figures from 2004 to 2023, the plaintiff has acquired substantial goodwill and reputation in relation to both word mark “PLUTO” and the



device mark. The plaintiff has also garnered a huge clientele comprising of several prestigious companies. Over the time, the plaintiff has received multiple Nominations and Awards as also received immense media coverage in various national publications and newspapers.

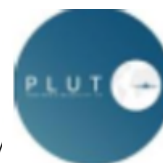
9.4. The plaintiff has proactively promoted and advertised its both word



mark “PLUTO” and the device mark and its services relating thereto, incurring expenses exceeding hundreds of lakhs of rupees since 2004. As a result, both word mark “PLUTO” and the device mark



have garnered unique reputation in the travel and transport industry and are solely and exclusively associated with the plaintiff.



9.5. The adoption of the marks “PLUTO TOURS”/ by the defendant, and that too much later than the plaintiff, and particularly in relation to services similar to those offered by the plaintiff are not *bona*

³2010 SCC OnLine Del 2933



fide. More so, the defendant has neither provided any justifiable reason for adopting the impugned marks nor has produced any document showing continuous/ extensive usage thereof. Therefore, the defendant cannot be allowed to continue use of the impugned marks as they are similar to the registered trademarks of the plaintiff, more so, whence they are for the same kind of services.

9.6. Given the popularity of both word mark “PLUTO” and the device



mark, it is highly unlikely that the defendant was unaware of their presence in the market. Hence, the adoption of the impugned marks by the defendant is dishonest.

9.7. Comparison of the rival marks “PLUTO”/



of the

plaintiff with “PLUTO TOURS”/



of the defendant reflects that

the prominent/ dominant feature thereof is the word “PLUTO”, thus the word “PLUTO” has to be accorded greater weight, more so, since it creates stronger and more lasting impression on the public. While

comparing the device marks



and



in their entirety,

the emphasis has to be on the similarities rather than dissimilarities between them. Reliance was placed upon *KRBL Limited. v. Praveen*



Kumar Buyyani & Ors.⁴ and ***M/s South India Beverages Pvt. Ltd. v. General Mills Marketing Inc. & Anr***⁵. In any event, the rival word marks “PLUTO” and “PLUTO TOURS” are virtually identical. The word “TOURS” in the defendant’s mark is merely descriptive of services offered by the defendant and adds no distinctiveness to it.

9.8. All the aforesaid makes the defendant’s mark deceptively similar to that of plaintiff. In fact, due to the aforesaid identity/ similarity between the marks, there has been actual confusion among customers of both the parties who mistakenly associated defendant with plaintiff and, upon being dissatisfied with the defendant’s services, left negative comments/ reviews on the Google page of the plaintiff, thereby causing damages to plaintiff’s goodwill, reputation and business. In any event, the other elements in the defendant’s mark, such as text “*Tours World Holiday Pvt. Ltd.*” or the artistic elements therein, are merely ancillary and do not impart any distinctiveness to the defendant’s marks.

10. In the wake of the afore-going, Ms. Achal Shekhar, learned counsel for the plaintiff sought an interim injunction against the defendant till the disposal of the present suit.

Submissions by learned counsel for defendant:

11. In response, Mr. Rishub Kapoor, learned counsel for the defendant has made the following submissions:-

⁴2025 SCC OnLineDel 198

⁵2014 SCC OnLine Del 1953



11.1. The defendant has honestly and in a *bona fide* manner adopted the



mark on 14.04.2016 and has been continuously using it since then. The said mark of the defendant was uniquely developed by Mr. Pankaj Samyal, the manager of the erstwhile proprietorship, with the assistance of his family members. Presently, it is in the name of the present defendant, a private limited company.

11.2. The defendant is engaged in providing leisure trip, ayurveda and yoga tours, vacation planning, honeymoon travel, adventure travel, corporate travel and customized tours as per the needs of the customer which is very different from the services which the plaintiff is providing. Under such circumstances, the use of the marks “PLUTO TOURS”/



by the defendant is not likely to cause any confusion among the customers, as the nature of services offered by the defendant is entirely different from those offered by the plaintiff. Even more, the parties cater to distinct customer bases; on one hand, the plaintiff primarily caters to the business houses, whereas on the other hand, the defendant caters to individual customers.

11.3. Over a period of eight years, the defendant, owing to its excellent service, has acquired immense goodwill and reputation, which is evident from the revenue figures earned by it, and which are as under:-



Financial Year	Revenue (in INR)
2019 - 20	2,13,30,557.29
2020-21	99,08,742.52
2021-22	2,48,57,790.86
2022-23	6,22,72,272.09

11.4. Moreover, the defendant has also invested significant portion of its revenue in advertisement and publicity of its mark, the details whereof are set out as under:-

Financial Year	Revenue (in INR)
2019 - 20	30,695.80
2020-21	8,35,062.34
2021-22	13,01,005
2022-23	49,04,101.03
2023-24	39,08,144
2024-25 (till April)	12,72,396
Total	1,22,51,404.2

11.5. Resultantly, the defendant has become a household name across India and an average consumer associates the marks “PLUTO TOURS”/



with the defendant only.

11.6. Although, both the rival marks fall in *Class 39*, they pertain to different categories within that *Class*, as the nature of services offered by the parties is entirely different. Even otherwise, the plaintiff cannot claim a monopoly over all the services offered under *Class 39*. Reliance was placed upon *Vishnudas Trading As Vishnudas Kishendas v. Vazir Sultan*



*Tabacco Co. Ltd., Hyderabad and Anr.*⁶ and *Nandhini Deluxe v. Karnataka Cooperative Milk Producers Federation Limited.*⁷



11.7. The defendant's mark



are structurally so different that they are incapable of causing any confusion in the mind of the average consumer. Moreover, the word “PLUTO” in the defendant’s mark is displayed in white, bold, capital letters while in the plaintiff mark, the text “PLUTO” is in golden capital letters. The defendant’s mark contains the phrase “*Tours World Holiday Pvt. Ltd.*” in smaller capitals letters below the word “PLUTO”, in contrast to the plaintiff’s trademark “PLUTO” featuring the phrase “*Driven by Class*” in smaller letters. Moreover, the background of the defendant’s mark is gradient blue, while that of the plaintiff’s mark is black. Additionally, the defendant’s mark features a small circle containing a world map outline and an airplane graphic, whereas the plaintiff’s mark displays a horse-drawn carriage.

11.8. When the rival marks are seen in entirety, they are wholly dissimilar and there is no likelihood of confusion and the defendant’s marks



“PLUTO TOURS”/ would create a completely different impression in the mind of average customer. Moreover, the defendant has

⁶(1997) 4 SCC 201

⁷(2018) 9 SCC 183



also added one liner in the form of a ‘Disclaimer’/ clarification on the bottom of its homepage of its websites “plutotours.com” and “plutotours.in” to efface even the likelihood of confusion in the minds of the consumers. Reliance was placed upon *Sammaan Finserv Limited v. Svamaan Financial Services Private Limited & Ors*⁸. Furthermore, a few Google reviews/ comments are insufficient to show confusion, as customers typically verify the origin of products and services before making a purchase or availing themselves of such services. Reliance was placed upon *Mountain Valley Springs India Private Limited v. Baby Forest Ayurveda Private Limited (Formerly Known As M/S Landsmill Healthcare Private Limited) & Ors*.⁹

11.9. The plaintiff’s claim over the word “PLUTO” is misplaced, as the word “PLUTO” is a common English word over which the plaintiff cannot claim monopoly/ exclusive right. Even if there is commonality in the use of the word “PLUTO” in both rival marks, such similarity alone is not sufficient to establish a case of infringement or passing off. Reliance was placed upon *Kedar Nath Gupta v. J.K. Organization*¹⁰.

11.10. The plaintiff has misrepresented the material facts as though in the earlier two Legal Notices as well as the Notice of Opposition filed against the defendant’s earlier trademark application, the plaintiff referred/ represented itself as a “luxury car rental service provider” whereas in the present suit it has referred/ represented itself as a “company providing travel and tour services”.

⁸2025:DHC:1007-DB

⁹2024 SCC OnLine Del 3665

¹⁰1997 SCC OnLine Del 866



11.11. Lastly, since there is an ulterior motive to cause irreparable loss and injury to the defendant, the plaintiff is not entitled to any relief.

12. In the wake of the afore-going submissions, the defendant opposed grant of an interim injunction in favour of the plaintiff.

Analysis and Findings:

13. The plaintiff has filed substantial documents/ proof in the form of TAN allotment letter, EPFO *challan*, plaintiff company's master data from the Ministry of Corporate Affairs website, brochure, trademark registration certificate along with other materials on record qua the use of both the word mark "PLUTO" as its trademark/ tradename since its incorporation and adoption in the year 2004 as also the device mark



thereafter since January 2016 in relation to transport, travel and tour services. As such, the plaintiff has been able to establish the continuous and uninterrupted usage of its word mark "PLUTO" and



device mark .

14. On the other hand, the defendant was, *admittedly*, incorporated much later in March 2016 in comparison to the plaintiff which was incorporated in the year 2004. Thus, there is a substantial gap of *twelve years* between them. Though the defendant claims to have adopted the



impugned device mark on 14.04.2016, however, application for registration thereof was only filed on 28.11.2022. The same, *prima*



facie, carried no weight and cannot come to the aid of the defendant, *firstly*, since the defendant filed registration thereof only after the plaintiff issued the first Legal Notice on 04.11.2022 and, *secondly*, the said application, after opposition by the plaintiff, has since been abandoned, *thirdly*, even though the defendant claims to have been using the



impugned mark continuously and uninterruptedly since April 2016, however, it has failed to adduce any credible document(s) of substance to enable this Court to believe and/ or come out with the exact date thereof. In fact, the only document evidencing the usage thereof is a Tax Invoice dated 14.04.2016 wherein the GST number corresponds to a registration that becomes effective subsequently only from 07.06.2018. Moreover, since GST was implemented only in July 2017, the presence of a GST number on a Tax Invoice of the year 2016 is factually impossible. Thus, the Tax Invoice dated 14.04.2016 of the defendant is of no credence at all.

15. It emerges from the aforesaid that the plaintiff is not only the prior adopter but is also the prior and continuous user thereof who also has the registrations for both word mark “PLUTO” and the device mark



. Also, there is no denial to the fact that the plaintiff herein, besides being the owner of both word mark “PLUTO” and the device



mark, is also the registered proprietor thereof, which



registrations are validly continuing and subsisting in the name of the plaintiff in the Register of the Trade Marks and which have never been opposed by the defendant herein. As a result thereof, and further being a registered proprietor, the plaintiff is well and truly entitled to claim protection in and to both word mark “PLUTO” and the device mark



. Moreover, it is also a matter of fact that it was the plaintiff



herein who filed an opposition to the impugned device mark of the defendant before the Trade Marks Registry, and which was subsequently abandoned. It is noteworthy that the defendant has till date not taken any steps qua restoration of its trademark before the Trade Marks Registry.

16. Although the defendant has raised some semblance of defence, but all throughout it has been unable to give any plausible explanation for its adoption of the word “PLUTO”, barring that the word “PLUTO” is a common English word. The said word “PLUTO”, when used as a trademark by the plaintiff in relation to providing services falling in *Class* 39, is itself distinct and unique as it has no connection with the class of services offered by it, making it inherently distinctive.

17. It is also interesting to note that the defendant has nowhere denied that it was unaware of the plaintiff and/ or its existence in the same field/ line of services and/ or about both word mark “PLUTO” and the device



mark of the plaintiff. Moreover, though the defendant has claimed that it is providing different services than those provided by the plaintiff, however, there is no denial of the fact that the services are very much connected, ancillary and intertwined, as also the fact that the very same defendant had itself applied for registration of the impugned device mark under the very same *Class 39* wherein both word mark “PLUTO”



and the device mark of the plaintiff were duly registered. It is too far-fetched for the defendant to contend otherwise.

18. The defendant cannot be given any benefit of the above sham and moonshine defences raised, particularly, when it comes to the adoption thereof and also since the defendant has all throughout maintained a stoic silence about it. The defences raised by the defendant are thus said to be nothing but an afterthought. Also, in view of the claims made by the defendant, it can well be presumed that the defendant was already aware of the plaintiff and its word mark “PLUTO” and the device mark



being duly registered.



19. In view of the aforesaid, particularly, since the very adoption of the impugned marks is shrouded in mystery, the usage thereof and the benefit derived therefrom are unlawful and unwarranted.

20. Be that as it may, adverting to a comparison of the rival marks in issue, the same are reproduced as under:-




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Plaintiff's Marks	Defendant's Marks/ Impugned Marks
PLUTO	PLUTO TOURS
	

21. The aforesaid reveals that the impugned marks of the defendant has subsumed the prominent part of the mark “PLUTO” belonging to the plaintiff in its entirety and is nearly identical/ deceptively similar to it. The defendant, in its word mark, has merely added a suffix “TOURS” to the plaintiff’s existing mark “PLUTO”, which the Hon’ble Supreme Court in *Ruston & Hornsby Ltd. v. Zamindara Engineering Co.*¹¹ as also a learned Single Judge of this Court in *KSB Aktiengesellschaft & Ors. v. KSB Global Limited*¹², *Greaves Cotton Ltd. v. Mohammad Rafi & Ors.*¹³ and *Subhash Chand Bansal v. Khadim’s and Ors.*¹⁴, held that merely adding a prefix/ suffix to an existing mark does not make the offending mark distinctive. Accordingly, just by appending “TOURS” to the plaintiff’s mark, defendant cannot claim that no infringement is made out, as the resulting mark still remains highly deceptively and identically similar and costumers of average intelligence are likely to associate the origin of defendant’s services with that of the plaintiff.



22. Moreover, on comparing the rival device marks  and

¹¹(1969) 2 SCC 727

¹²2010 SCC OnLine Del 2226

¹³2011 SCC OnLine Del 2596

¹⁴2012 SCC OnLine Del 4326



, it is evident that the prominent feature thereof is the word “PLUTO”, which appears in bold and capital letters. The other features such as difference in colour, words/ tagline are insufficient to distinguish the two marks. An average customer of imperfect recollection is likely to recollect only the term “PLUTO” and not other ancillary features in the mark. The adoption of the prominent word of the label/ device mark amounts to infringement, as has been held by a learned Single Judge of this Court in **MAX Healthcare Institute Ltd. v. Sahrudya Health Care Pvt. Ltd.**¹⁵, relevant paragraphs whereof are reproduced as under:-

“... ..G. That brings me to the star argument of the senior counsel for the defendant, of the label/device mark of the plaintiff being entirely different from the label/device mark of the defendant. I must admit that I myself being a resident of Delhi since birth, and familiar as any other citizen of Delhi with Max Hospitals, having not only visited patients therein but having also umpteen times passed in front of Max Hospitals/Healthcare Services, had never noticed the device of a single/double cross appearing on the label/device marks of the plaintiff or even the words Healthcare or Health Staff. If at all any other word besides MAX stuck to the mind, that was of Super Speciality as one of the twin MAX hospitals in Saket is called. My mind always identified the hospitals of the plaintiff with the word MAX, and not necessarily along with the word Healthcare or Hospital or Medcentre or Health Staff or with the medical cross. I can well imagine others, not having dealings with the plaintiff, also associating plaintiff only with MAX and with no other device or word. In addition, what my mind was familiar with, was the earlier names of the hospitals, management whereof has been taken over by the plaintiff and/or management whereof was taken by the plaintiff and on which take over, the plaintiff invariably adds MAX to the earlier/existing names. Mention in this context

¹⁵2019 SCC OnLine Del 9036



can be made of Janki MAX and MAX Centre for Liver & Biliary Sciences also. The same would be the position of others. Again, I have wondered whether the legislators of Trademarks Act providing for registration of label/device marks can be presumed to be ignorant of human psychology and/or the way the human mind perceives such marks. The answer is again no. It has been held in Allied Blenders & Distillers Pvt. Ltd. v. Shree Nath Heritage Liquor Pvt. Ltd. (2014) 211 DLT 346 affirmed by the Division Bench in Shree Nath Heritage Liquor Pvt. Ltd. v. Allied Blender & Distillers Pvt. Ltd. (2015) 221 DLT 359, Prathiba M. Singh v. Singh & Associates 2014 SCC OnLine Del 1982 and Gillette Company LLC v. Tigaksha Metallics Pvt. Ltd. (2018) 251 DLT 530 that the test for infringement of a label/word mark is the test of prominent word of the mark. Besides the judgment cited by the senior counsel for the plaintiff, mention may be made of Ramdev Food Products (P) Ltd. v. Arvindbhai Rambhai Patel (2006) 8 SCC 726 where it has been held that adoption by the defendant of a prominent word in the label/device mark of the plaintiff amounts to infringement. The label/device marks may be of different kinds. Those with words only as prominent part thereof with a not so prominent device, have in Keshav Kumar Aggarwal v. NIIT Ltd. (2013) 199 DLT 242, Jagdish Gopal Kamath v. Lime & Chilli Hospitality Services 2015 SCC OnLine Bom 531, Mallcom (India) Ltd. v. Rakesh Kumar 2019 SCC OnLine Del 7646 and New Balance Athletics, INC v. Apex Shoe Company Pvt. Ltd. 2019 SCC OnLine Del 7393, appeal preferred whereagainst was dismissed vide order dated 26th March, 2019 in FAO(OS) (COMM) No. 59/2019 titled Apex Shoe Company Pvt. Ltd. v. New Balance Athletics, INC, held to be infringed by the defendant who in his label/device adopts the same word/s by making only variation in the not so prominent device. The nature of business/services also are of several kind. A label/device mark in relation to some businesses, as of textile and/or prints, may invite the attention of the public and/or the consumer to the brand of the label/device mark but no so in others. The business of providing hospitals/healthcare services is such, where people/consumers pay least attention to the device or the label mark and read generally the first word of the label mark by which the hospital/healthcare services come to be known and recognized... ..”.

[Emphasis supplied]



23. In fact, more recently also, another learned Single Judge of this Court in ***Jaquar and Company Private Limited v. Ashirvad Pipes Private Limited***¹⁶ while ruling on similar lines reiterated the same principle and held as under:-

“... 34.11.3.4 Thus, where the competing marks are device marks but the prominent feature of the device marks in each case is a word, and the words themselves are phonetically, confusingly and deceptively similar to each other, the Court would return a finding of deceptive similarity even if the two device marks, viewed as complete marks, are totally dissimilar. This decision therefore, completely negates Mr. Lall's argument that there is no deceptive similarity in the present case as, comparing device mark to device mark, the ARTISTRY device mark of the defendant is not similar to the ARTIZE mark of the plaintiff. Inasmuch as the word ARTISTRY in one case and the word ARTIZE in the other constitutes the main feature of both the marks, the comparison has to be between ARTISTRY as a word and ARTIZE as a word even if they are used as device marks...”

[Emphasis supplied]

24. The defendant seeks to ride upon the goodwill and reputation of the plaintiff by simply making some minor changes/ modification to the registered trademarks of the plaintiff to carve out a superficial distinction therein, since the prominent element in both the impugned trademarks of the defendant remain the very same word “PLUTO”.

25. Moreover, identity/ similarity of the word “PLUTO” between the rival marks; the similar nature of services offered by the parties; both the parties having the similar customer base; and the previous actual instances of confusion and deception amongst the members of the general public and also amongst those belonging to the same trade channels, are all sufficient reasons to believe that there is all likelihood that the defendant

¹⁶2024 SCC OnLine Del 2281



and its impugned marks may be mistakenly associated with the plaintiff. Thus, unless stopped, the same could/ would lead to wider ramifications.

26. Further, though it is the case of the defendant that it has recently added one liner in the form of a ‘*Disclaimer*’/ clarification on the bottom of its homepage of its websites “plutotours.com” and “plutotours.in”, however, considering the aforesaid factual matrix involved, the same cannot absolve its previous wrongful adoption, much less, accrue any right/ title/ interest in its favour to continue using the impugned marks. If the defendant is allowed to continue with the impugned marks, it would amount to allowing the defendant without any permission/ authority/ leave/ sanction from the plaintiff.

27. Lastly, reliance by learned counsel for the defendant upon *Vishnudas (supra)* and *Nandhini Deluxe (supra)*, being misplaced, are of no assistance to the case set up/ defences raised by the defendant and are completely different to the facts herein. Similarly, *Mountain Valley (supra)* is also not applicable herein since this Court is dealing with identical impugned marks whose adoption is unexplainable.


Conclusion:

28. In view of aforesaid, the plaintiff has been able to make out a *prima facie* case with the *balance of convenience* for grant of an interim injunction in its favour and against the defendant, and if not granted the plaintiff is likely to suffer *irreparable harm, loss and injury* which cannot be compensated in terms of money. In effect, allowing the defendant to continue under the existing circumstances and using the impugned marks



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“PLUTO TOURS”/  is likely to end up causing deception and confusion in the market as also amongst the members of general public.

29. *Accordingly*, in view of the afore-noted reasoning and analysis, the present application of the plaintiff is allowed and the defendant, its partners, officers, employees, agents, affiliates, subsidiaries, franchisees, licensees, and representatives is/ are restrained from advertising, promoting, displaying, marketing, and/ or using the mark “PLUTO



TOURS”/  or any mark identical or deceptively similar to both

word mark “PLUTO” and the device mark  of the plaintiff till the pendency of the present suit.

30. As such, the present application is disposed of, leaving the parties to bear their own respective costs.

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31. List before the Court for framing of issues on 07.08.2025.

SAURABH BANERJEE, J.

MAY 14, 2025/AB