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

% *Judgment Delivered on: 27.10.2026*

CNR No. DLHC010086772025

\+ CS(COMM) 156/2025

WIPRO ENTERPRISES PRIVATE LIMITED .....Plaintiff

Through: Ms. Sucheta Roy and Mr. Rishabh Rao, Advocates.

versus

VEEPRO LIGHTS AND DECOR .....Defendant

Through:

CORAM:
HON'BLE MR. JUSTICE VIKAS MAHAJAN

JUDGMENT

VIKAS MAHAJAN, J [ORAL]

I.A. 28116/2026 (Application under Order VIII Rule 10 read with Section 151 CPC by the plaintiff)

1. The present application has been filed by the plaintiff seeking pronouncement of judgment and decree against the defendant.

2. The plaintiff has filed a suit against the defendant *inter alia* seeking permanent injunction restraining infringement of trademark and passing off, by using the trademark/tradename "VEEPRO" which is phonetically identical and visually deceptively similar to the plaintiff's registered and well-known trade mark/trade name "WIPRO".

3. It is stated that the plaintiff had been conducting its business under the unique and inherently distinctive trademark "WIPRO" at least since the year 1977 through the plaintiff's predecessor-in-interest.

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4. It is also stated that the plaintiff, in order to statutorily safeguard its rights over the trademark "WIPRO" has obtained various registrations of its well-known trademark "WIPRO" and its formative trademarks falling under various classes under the Trade Marks Act, 1999 (hereinafter 'the Act'). Amongst all the trademark registrations in favour of the plaintiff, as listed in Para 13 of the plaint, some of them are illustratively set out hereinbelow for the sake of brevity:

S. No.	Trademark	Reg. No.	Class	Date Of Application	Status
1	WIPRO	563300	11	06-12-1991	Registered
2	wipro	3513296	11	23-03-2017	Registered
3	wipro	3602660	9, 11	31-07-2017	Registered
4	**WIPRO NEXT**	3941687	11	11-09-2018	Registered
5	**WIPRO VESTA**	4952993	9, 11	22-04-2021	Registered

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5. It is stated that the aforementioned registrations are valid, subsisting and in full legal force as of date. By virtue of the provisions of the Act, the plaintiff has the exclusive right to use its trademarks inter alia in respect of the goods and services for which the aforesaid trademarks are registered. Additionally, as mentioned in Section 31 of the Act, original registration of a trademark is *prima facie* evidence as to its validity.

6. It is stated that *vide* order dated 06.10.2025 passed by this Court in ***Wipro Enterprises Private Limited v. Shivam Udhyog & Anr., CS (COMM) 945/2025***, plaintiff's trademark "WIPRO" has been declared as well-known trademark within the meaning and scope of Section 2(1)(zg) of the Act.

7. It is the case of the plaintiff that the plaintiff has extensive sales with respect to its products and services under the trademark/tradename "WIPRO". The sale figures commencing from the financial year 1994-95 till the year 2023-24 has been set out in Para 17 of the plaint. The sales figure for the financial year 2023-2024 is stated to be INR 5,055.9 Cr.

8. Likewise, it is also the case of the plaintiff that it has invested substantial amount of money in the marketing and advertising of its products under the trademark 'WIPRO' over the course of years. The expenditure incurred by the plaintiff towards marketing and advertising has been given in Para 18 of the plaint, starting from the financial year 1994-1995 till the year 2022-2023. The expenditure on advertisement for the financial year 2023-2024 is stated to be INR 702.2 Cr.

9. It is stated that the defendant, Veepro Lights and Décor, is also engaged in the business of selling and rendering lighting and interior solution products. It came to the notice of the plaintiff on 14.02.2025 that the defendant has a

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website i.e. https://www.veeproled.com, wherein the defendant is prominently using the trademark and the tradename "VEEPRO", and after acquiring the aforesaid knowledge, the plaintiff filed the present suit.

10. Ms. Sucheta Roy, learned counsel appearing on behalf of the plaintiff submits that this Court *vide* order dated 21.02.2025 restrained the defendants, its proprietors, partners or directors etc. from using, selling, offering for sale, supplying, advertising, exporting etc. any goods and services under the trademark/tradename "VEEPRO" or any trademark/tradename which may be identical or deceptively similar with the plaintiff's trademark "WIPRO" so as to cause infringement and passing off of the said mark. The relevant extract of the order dated 21.02.2025 reads thus:

> *"44. Accordingly, till the next date of hearing, the defendant, its proprietors, partners or directors, as the case may be, their principal officers, servants, distributors, dealers and agents, and all others acting for and on behalf of the defendant, are restrained from using, selling, offering for sale, supplying, advertising, exporting, importing, directly or indirectly dealing in any goods and services under the trade mark/ trade name "VEEPRO" or any other trade mark/trade name which may be identical to or deceptively similar with the plaintiff's registered trade mark "WIPRO", so as to cause infringement of trade mark and passing off of the plaintiff's trade mark/ trade name "WIPRO".*
>
> *45. However, it is clarified that the defendant is at liberty to carry on its business by adopting some other trade mark/name, which is not identical to or deceptively similar to the plaintiff's registered trademark."*

11. She submits that the interim relief has been extended from time to time, and is still continuing and subsisting. She also submits that the Local Commissioner was also appointed *vide* order dated 21.02.2025, and his report

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is on record.

12. She further submits that the summons issued against the defendant were served on the defendant on 28.03.2025, but despite service, the defendant never entered appearance. Accordingly, the defendant was proceeded against *ex parte vide* order dated 06.10.2026. The attention of the Court has been invited to the said order.

13. She states that prior thereto, the right of the defendant to file written statement was also closed by the learned Joint Registrar *vide* order dated 22.09.2025.

14. She submits that since the defendant has neither entered appearance, nor filed the written statement, all the averments made in the plaint by the plaintiff have gone uncontroverted.

15. She contends that under similar circumstances, this Court has passed the judgments by invoking the provisions of Order VIII Rule 10 CPC. Reliance has been placed by her on the decisions of the Coordinate Benches of this Court in ***Wow Momo Foods Private Limited v. Wow Chinese, 2024 SCC OnLine Del 9162*** and ***Castrol Limited v. Vivek Sen, Trading as Tridev Auto Parts & Anr., CS (COMM) 32/2024***.

16. In ***Wow Momo Foods Private Limited*** (supra), the defendant despite service had not appeared and the right of the defendant to file the written statement was also closed, the Court, therefore, decreed the suit in favour of the plaintiff and awarded a nominal cost of Rs.2 Lacs. Learned counsel for the plaintiff submits that the amount only of Rs.2 Lacs was awarded possibly for the reason that the plaintiffs therein had affixed court fee of Rs. 2 Lacs. She contends that no Local Commissioner had been appointed by the Court in the said case, unlike in the present suit.

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17. Insofar as the decision in ***Castrol Limited*** (supra) is concerned, she submits that not only a Local Commissioner was appointed, but the Local Commissioner also seized goods which were bearing the offending trademark. Accordingly, the Court invoking the provisions of Order VIII Rule 10 CPC decreed the suit and also awarded damages and costs to the extent of Rs. 7 Lacs.

18. Reference in this regard may also be had to the decision of yet another Coordinate Bench of this Court in ***Disney Enterprises I.N.C. & Anr. vs. Balraj Muttneja & Ors., 2014 SCC OnLine Del 781,*** wherein the Court decreed the suit of the plaintiffs considering the fact that the defendants had failed to file their written statement and were also proceeded *ex-parte.* The relevant observation from the said decision reads thus:

> *"3. Summons of the suit were issued to Defendants 1 to 4 on 17-12-2012 and vide order of the same date, an ex-parte ad-interim injunction was granted against the defendants. This Court also appointed two Local Commissioners to visit and inspect the premises of Defendant 3 and Defendant 4 respectively for the purpose of making an inventory of the infringing goods/merchandise, if any found, and for seizing and sealing the same. The Local Commissioners so appointed have in compliance with the order dated 17-12-2012 filed their reports.*
>
> *4. Though the defendants entered appearance through their counsel on 1-2-2013 but remained unrepresented thereafter and failed to file a written statement as well. The defendants were thus directed to be proceeded ex-parte vide order dated 4-10-2013 and the plaintiffs permitted to file affidavits by way of ex-parte evidence.*
>
> *5. The plaintiffs, despite having been granted sufficient time and several opportunities, have failed to get their affidavits for leading exparte evidence on record.* ***<u>However, it is not deemed expedient</u>***

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> ***to further await the same and allow this matter to languish, for the reason that I have in Indian Performing Rights Society Ltd. v. Gauhati Town Club held that where the defendant is ex parte and the material before the Court is sufficient to allow the claim of the plaintiff, the time of the Court should not be wasted in directing ex parte evidence to be recorded and which mostly is nothing but a repetition of the contents of the plaint****."*
>
> (emphasis supplied)

19. In the present case as well, there has been no appearance on behalf of the defendant and the defendant was proceeded *ex-parte*. Further, the defendant has not filed any written statement.

20. Furthermore, the plaintiffs being the registered proprietor of trademark "WIPRO" in various forms, which has also been declared as well-known trademark, are entitled to the protection of its statutory and common law rights.

21. Therefore, having regard to the uncontroverted averments made in the plaint, applying the rationale of ***Wow Momo Foods Private Limited*** (supra); ***Castrol Limited*** (supra), as well as, ***Disney Enterprises I.N.C.*** (supra), this Court is of the view that the plaintiff is entitled to decree in terms of Order VIII Rule 10 CPC and the plaintiff is also entitled to cost.

22. Learned counsel for the plaintiff submits that the plaintiff has affixed court fee of Rs.2 Lacs on the plaint and the Local Commissioner, who was appointed by this Court, was also paid a fee of Rs. 2 Lacs. She submits that the plaintiff is not pressing for any further damages except for the above costs incurred by the plaintiff.

23. Accordingly, the suit is decreed in favour of the plaintiff and against the defendant in terms of prayer (a), (b), (c) and (d). Decree is also passed for damages and cost in the sum of Rs.4 Lacs in favour of the plaintiff and against

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the defendant.

24. Let decree sheet be drawn accordingly.

25. The suit and the present application is disposed of in the above terms.

26. The date already fixed before the learned Joint Registrar i.e. 02.12.2026 stands cancelled.

VIKAS MAHAJAN, J

OCTOBER 27, 2026/*jg/ss*

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