



2026:DHC:783



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

% *Judgment delivered on: 31.01.2026*

+ **CS(COMM) 216/2024**

SUNFLAME ENTERPRISES P. LTD. Plaintiff

versus

**KITCHENOPEDIA APPLIANCES P. LTD.
& ANR.** Defendants

Advocates who appeared in this case

For the Plaintiff : Mr. Sachin Gupta, Mr. Rohit Pradhan, Mr. Prashansa Singh, Mr. Adarsh, Mr. Ajay, Ms. Archana and Ms. Mahima Chanchalani, Advocates.

For the Defendants : Mr. Mohti Goel, Mr. Karan Kamra, Mr. Abhishek Kotnala and Mr. Kartikeya Tandon, Advocates.

**CORAM:
HON'BLE MR. JUSTICE TEJAS KARIA**

JUDGMENT

TEJAS KARIA, J

I.A. No. 5557/2024

1. The Application has been filed under Order XXXIX Rules 1 and 2 of Code of Civil Procedure, 1908 (“CPC”) seeking injunction restraining the

Defendants from using the Mark, ‘SUNFLARE/



’ (“Impugned



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Mark”) and / or any other Mark which is deceptively similar to the Mark,



‘SUNFLAME/’ (“**Plaintiff’s Mark**”).

2. *Vide* Order dated 13.03.2024, the Parties to the present Suit were referred to Mediation before the Dehi High Court Mediation & Conciliation Centre. However, the Mediation between the Parties failed and accordingly, the Notice in the present Application was issued *vide* Order dated 08.05.2024. The learned Counsel for the Parties made submissions and the Order was reserved on 15.10.2025.

SUBMISSIONS ON BEHALF OF THE PLAINTIFF:

3. The learned Counsel for the Plaintiff made the following submissions:

3.1 In the year 1980, the Plaintiff through its predecessor, a partnership firm under the name and style of M/s. Sunflame Industries, started the business of manufacturing and marketing of gas stoves under the Plaintiff’s Mark. The Plaintiff, however, was incorporated in the year 1984 under the name Sunflame Appliances Marketing Pvt. Ltd. whose name changed to its present name, i.e., Sunflame Enterprises Pvt. Ltd. in the year 1995. The Plaintiff has grown since and is one of the leading companies engaged in the business of manufacturing, marketing, sale and distribution of a wide range of home and kitchen appliances, *inter alia*, gas stoves, gas burners, baffle chimneys, cook tops, mixer, grinders, water heaters, cooking range, small appliance, induction, over toaster, pressure cookers, cookware, room heaters, water heaters and other appliances (“**Plaintiff’s Products**”) and have been using the Plaintiff’s Mark, continuously since the year 1980.



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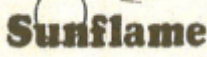




3.2 The Plaintiff for more than four decades is renowned for high-quality, high-performance kitchen and home appliances and delivering the best customer experience and value. The Plaintiff has always met and exceeded customer experience and assured consistent quality and dependability with leading-edge and technical superiority and innovation as cornerstone of its corporate philosophy. Always exploring the possibility of new designs, technologies, features, and innovations with great emphasis on research and development, the Plaintiff has established its leadership in creating better and quality products for its customers. Further, the Plaintiff's vast network of dealers and service centers across the country ensures unfailing service and support for ultimate customer satisfaction. The Plaintiff's Mark has acquired distinctiveness and enviable goodwill and reputation due to its extensive, long and continuous use since the year 1980. The Plaintiff has applied for and received various registrations for the Plaintiff's Mark, the details of which are as under:

S. No.	Trade Mark	Registration No. and date	Use claimed	Class
1.		366907 30.09.1980	Proposed to be used	Class 11
2.		448264 15.01.1986	Proposed to be used	Class 11
3.		1257845 29.12.2003	01.08.2000	Class 11
4.		2211545 27.09.2011	01.10.2010	Class 11



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5.		2627694 14.11.2013	01.01.2006	Class 11
6.		2717099 11.04.2014	Proposed to be used	Class 11
7.		3255574 09.05.2016	01.06.2004	Class 11
8.		2211546 27.09.2011	01.09.2004	Class 21
9.		2627696 14.11.2013	01.01.2006	Class 21
10.		572529 04.05.1992	01.02.1998	Class 9
11.		448261 15.01.1986	Proposed to be used	Class 9
12.		448262 13.01.1986	Proposed to be used	Class 7
13.		2627695 14.11.2013	01.01.2005	Class 7
14.		3560694 31.05.2017	Proposed to be used	Class 17

3.3 Due to superior quality and high efficacy of the Plaintiff's Products, continuous and extensive use of the Plaintiff's Mark and large sales, the Plaintiff has acquired immense reputation and goodwill in the Plaintiff's Mark, and the Plaintiff's Products sold thereunder. The result of the efficacy of Plaintiff's Products sold under the Plaintiff's Mark is reflected in its sales turnover which is growing steadily every year. The



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sales turnover and the promotional expenditure of the Plaintiff's Products under the Plaintiff's Mark since the Financial Year ("FY") 2013-14 until FY 2022-23 is as under:

Financial Year	Sales (Rs. In Lakhs)	Promotional Expenditure (Rs. In Lakhs)
2013-14	24,276.37	1,246.23
2014-15	25,726.20	1,029.84
2015-16	24,778.80	956.35
2016-17	26,521.03	1,231.08
2017-18	24,552.15	1,342.12
2018-19	26,172.88	1,459.44
2019-20	26,299.75	1,602.49
2020-21	26,407.48	722.40
2021-22	34,978.54	1,141.71
2022-23	30,000.36	1,359.15

3.4 The Plaintiff has come across the Application No. 3455874 for registration of the Impugned Mark, thereafter, the Plaintiff addressed a legal notice dated 24.08.2023 ("**Legal Notice**") to the Defendants wherein the Plaintiff reiterated its rights under the Plaintiff's Mark and its use since 1980 and directing the Defendants to cease and desist the use of the Impugned Mark. The Plaintiff received a reply to the Legal Notice dated 03.10.2023 from the Defendants, who claimed its rights in the Impugned Mark and refused to comply with the Legal Notice.




3.5 Defendant No. 2 has filed Trade Mark Application Nos. 5460915 and 5460916, both dated 24.05.2022, for registration of the Impugned Mark in Classes 21 and 9 respectively, however, the same have been duly opposed by the Plaintiff. The Defendants are engaged in the manufacturing / marketing and sale of gas stoves, under Class 11





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(“**Infringing Product**”). The Plaintiff has not come across any goods, under Classes 21 and 9, using the Impugned Mark. The details of the Trade Mark Applications filed by Defendant No. 2 are as under:

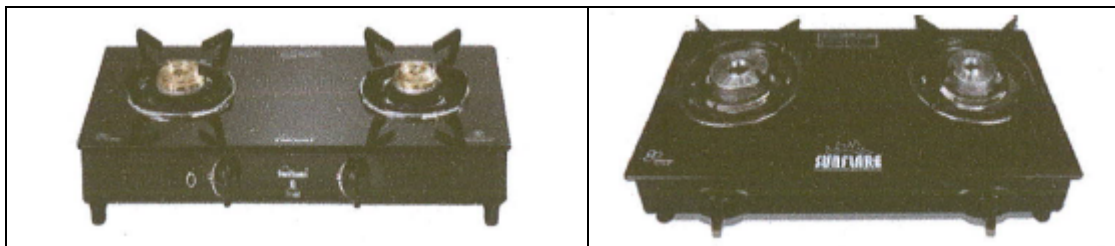
Trade Mark	Registration / Application No. and date	Use claimed	Class & Goods	Status
	3455874 dated 11.01.2017	Proposed to be used	Class 11: Gas stoves, induction, chimney, hobs	Registered
	5460915 dated 24.05.2022	27.10.2018	Class 21: Household kitchen utensils, etc.	Opposed
	5460916 dated 24.05.2022	27.10.2018	Class 9: TV Sets, Mobile accessories, Life saving apparatus, etc.	Opposed

3.6 The Defendants have blatantly adopted the Plaintiff’s Mark with mere replacement of ‘M’ with ‘R’ in suffix of the Impugned Mark. The Impugned Mark is an illegal adoption and infringement of the Plaintiff’s Mark. The images of the Plaintiff’s Product and the Infringing Product is as under:

Plaintiff’s Mark & the Plaintiff’s Product	Impugned Mark & the Infringing Product
	



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3.7 The Defendants have unethically and unlawfully adopted the Impugned Mark. Being in the similar business, the Defendants are well aware of the Plaintiff's Mark. Having seen the success of the Plaintiff's Products under the Plaintiff's Mark, the Defendants adopted the Impugned Mark, which is confusingly and deceptively similar, and almost identical, to the Plaintiff's Mark. Such ingenious adoption and coinage cannot be a mere coincidence. The adoption of the Impugned Mark further shows slavish imitation of the Plaintiff's Mark to confuse the public at large. Such dishonest adoption amounts to infringement of the Plaintiff's Mark, passing off, unfair trade practice and unfair competition. Such act also amounts to misrepresentation and misappropriation of Plaintiff's goodwill in the Plaintiff's Mark. There exists a likelihood of confusion on the part of the public, which includes the likelihood of association of the Impugned Mark with the Plaintiff's Mark.

3.8 A pressing concern of public interest is the safety of the consumers using the Infringing Product over which the Plaintiff has no control. An average consumer will buy the Infringing Product thinking that it has the same quality and safety checks as the Plaintiff's Products. A malfunction of a gas stove can lead to serious consequences such as fatal burns on the body. Irreparable harm would be caused to the Plaintiff due to infringement of the Plaintiff's Mark and unfair competition practiced by



the Defendant, as the Plaintiff has built its reputation by conforming to stringent quality control.

3.9 It has been held by this Court in *South India Beverages v. General Mills*, 2014 SCC OnLine Del 1953, that Courts should not engage in ‘technical gymnastics’ to find minor differences in conflicting marks. Further, in *Marico Ltd. Vs. Mr. Mukesh Kumar & Ors.*, 2018 SCC OnLine Del 13412, it has been held by this Court that most successful form of copying is to employ enough points of similarity to confuse the public with enough points of difference to confuse the Courts. Infringement occurs even without side-by-side comparison if a consumer of average intelligence, upon later seeing the defendant’s mark, is likely to wonder about its association with the plaintiff’s. Imitation of the central idea or commercial impression of a mark, not just its visual or phonetic details, can also amount to idea infringement as has been held by this Court in *KRBL Ltd. v. Praveen Kumar Buyyani & Ors.*, 2025 SCC OnLine Del 198. Further, this Court in *United Biotech v. Orchid Chemicals* 2012 SCC Online Del 2942 held that when a label mark is registered, it cannot be said that the word mark contained therein is not registered.

SUBMISSIONS ON BEHALF OF THE DEFENDANTS:

4. The learned Counsel for the Defendants made the following submissions:

4.1 The Plaintiff has sought to restrain the Defendant’s use of the Impugned Mark, which is a Device Mark, on the basis of its registration for the Plaintiff’s Mark which is also a Device Mark. Accordingly, for any determination on similarity, the Plaintiff’s Mark would have to be





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compared as a whole with the Impugned Mark in order to ascertain the deceptive similarity between the competing Marks.

4.2 The Defendants are *bona fide* adopter of the Impugned Mark which has been openly and continuously used since 2017 for the business of manufacturing and sale of a wide range of kitchen appliances. The Impugned Mark is registered in Class 11 bearing Trade Mark Registration No. 3455874. The earliest invoice under the Impugned Mark dates back to 04.08.2017. The revenue of the Defendants is more than ₹6,70,00,000/- since 2017 and ₹70,00,000/- has been spent on advertising the Infringing Product in the three years prior to filing the present Suit.

4.3 The Plaintiff is guilty of taking contrary stands in its response to reply to the examination report of Trade Mark Application bearing number 2717099 for the Plaintiff's Mark ', (**"Reply to the Examination Report"**) as compared to its stand in the present Suit. In its Reply to the Examination Report, the Plaintiff stated that the mark which was cited, ', (**"Cited Mark"**) was visually and conceptually dissimilar to the Plaintiff's Mark in view of the circle drawing and the differently stylised font. Thus, the Plaintiff cannot now take the stand that the Impugned Mark is visually and conceptually deceptively similar to the Plaintiff's Mark. The Plaintiff cannot approbate and reprobate as has been held by this Court in *S.K. Sachdeva v. Shri Educate Ltd*, 2016 (65) PTC 614 and *Raman Kwatra and Anr. v. M/s KEI Industries Ltd.*, 2023:DHC:000083.



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- 4.4 The Plaintiff has not disclosed that it is not the first adopter / user of ‘SUN’ formative marks under the relevant class(es). There are several third-party registrations and users of the ‘SUN’ formative marks for identical goods. Thus, the Plaintiff cannot claim a monopoly on ‘SUN’ formative marks as has been held in ***Hindustan Unilever limited v. Ashique Chemicals***, 2011 SCC OnLine Bom 1061.
- 4.5 The Plaintiff has registrations over the Plaintiff’s Mark which is registered as a Device Mark and not over the word ‘SUNFLAME’ as its Trade Mark Application No. 438579 for registration of the Word Mark, ‘SUNFLAME’ has lapsed on 01.06.1999. Thus, the Plaintiff cannot claim statutory rights over the word, ‘SUNFLAME’. The Plaintiff also cannot claim any statutory rights over the word, ‘SUNFLAME’ through the Plaintiff’s Mark as has been held in ***Vasundhra Jewellers Pvt. Ltd. v. Kirat Vinodbhai Jadvani and Anr.***, 2022 SCC OnLine Del 3370. However, the Plaintiff has illegally, asserted statutory rights in the word, ‘SUNFLAME’ by relying on its registrations over the Plaintiff’s Mark, thereby misleading this Court.
- 4.6 It is a settled principle of Trade Mark law that competing Trade Marks have to be compared as a whole and cannot be dissected. Registration of a Trade Mark confers exclusive right to the use of the Trade Mark as a whole, therefore, the enforcement of a registered Trade Mark has to be as a whole as has been held in the judgment of ***Kaviraj Pandit Durga Dutt Sharma v. Navaratna Pharmaceutical Laboratories***, (1965) 1 SCR 737 and ***Superfil Products Limited a public limited v. Seal Nets Private Limited***, AIR 2015 Madras 89.



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4.7 The Impugned Mark registered is inherently distinctive with a unique colour combination and device of ‘SUN’. The Impugned Mark is in a distinct colour scheme of yellow and orange hues and there is gradual progression of the colour from light yellow to deep orange referencing the different intensities of a fire. In furtherance, the Impugned Mark contains a colourless half rising sun behind the letters with its rays coming out of it. On the contrary the Impugned Mark in a plain red / black colour, and the Plaintiff’s Mark contains a circle behind the word in the same red / black colour. Accordingly, upon perusing the rival Marks, it is evident that not only the rival Marks have distinct styling of the letters and the font used, therein, but also various other features which are completely different from each other. Thus, the overall visual appeal of the rival Marks is completely dissimilar. The Impugned Mark is not only visually but also phonetically, structurally and conceptually different from the Plaintiff’s Mark. The overall concept of the Plaintiff’s Mark and that of the Impugned Mark is completely different and for the said reason, there is no scope of likelihood of confusion, let alone, actual confusion.

4.8 The Plaintiff has failed to establish any secondary meaning in the word ‘SUNFLAME’. Any such acquired distinctiveness has to be proved by way of trial as has been held in *Marico Limited v. Agro Tech Foods Limited*, 2010 (44) PTC 736 (Del.) (DB), *BigTree Entertainment Pvt. Ltd. v. D. Sharma and Anr.*, [257] 2019 DLT 77, *PhonePe Private Limited v. Ezy Services and Anr.*, (2023) 95 PTC 154.



REJOINDER SUBMISSIONS ON BEHALF OF THE PLAINTIFF

5. The learned Counsel for the Plaintiff made the following submissions:

5.1 The plea of the Defendant that the adoption of the Impugned Mark was honest if false and further, honest adoption is not a defence in a suit for infringement of Trade Marks as has been held in ***Laxmikant V. Patel vs. Chetanbhai Shah***, 2002 3 SCC 65. Further, a registered proprietor of a Mark is not expected to file suits or proceedings against infringers which are of no consequence as has been held in ***Pankaj Goel v. Dabur***, 2008 (38) PTC 49 (Del).

5.2 With respect to the contention of the Defendants that the Plaintiff has taken contrary stands in the Reply to the Examination Report, not only the Cited Mark did not belong to the Defendants, but also, the Cited Mark has already lapsed and therefore not relevant to the present case. It is settled law that cyclostyled responses to examination report, cannot be the basis for deciding valuable legal rights as has been held in ***Anil Verma v. R.K. Jewellers***, 2019 SCC OnLine Del 8252, further, this Court in ***Under Armour v. Aditya Birla Fashion & Retail Ltd.***, 2023 SCC OnLine Del 2269, held that reply to the examination report will be relevant only where the examination report cites respondent / defendants' impugned mark.

5.3 The Division Bench of this Court in ***Wow Momo Foods Private Limited v. Wow Burger and Anr.***, 2025:DHC:9320-DB, held that dominant feature of the rival marks is the word 'WOW' and applying the dominant feature test, a *prima facie* case of infringement was made out. Applying the dominant feature test to the present case, the dominant feature of the Plaintiff's Marks and the Impugned Marks is the word 'SUN' and,



therefore, a *prima facie* case of infringement is made out against the Defendant's use of the Impugned Mark.

ANALYSIS AND FINDINGS:

Introduction:

6. Having considered the averments made in the Application and the accompanying documents, it is evident that the Plaintiff has raised substantial challenges to the registration of the Impugned Mark, *inter alia*, on the grounds of dishonest and subsequent adoption of the Impugned Mark by the Defendants. The adoption of the Impugned Mark has been challenged as the Defendants have adopted the Impugned Mark which completely subsumes the Plaintiff's Mark for the goods in the same class and having overlapping trade channels and consumers.

Deceptive Similarity of the Impugned Mark to the Plaintiff's Mark:

7. A Trade Mark indicates the source of the goods or services, in respect of which it is used. A Trade Mark is an indicator of origin, distinguishing the goods and services of a party from those of its competitors. Thus, a Trade Mark is said to possess a distinctive character, when it serves to identify and distinguish the goods or services of a party from those of others.

8. The Plaintiff is one of the biggest manufacturers of gas stoves and kitchen appliances in India. The Defendants are producing gas stoves amongst other kitchen appliances under the Impugned Mark.

9. The Plaintiff is the registered proprietor for the Device Marks of 'SUNFLAME', with the earliest registration for the Plaintiff's Mark in the year 1980. The Plaintiff has received registrations for the Plaintiff's Marks in Classes 7, 9, 11, 17 and 21 respectively which cover a wide range of equipment used in homes and in daily life. The primary product sold by the



Plaintiff is kitchen stoves with respect to which the Plaintiff obtained its earliest registration for the Plaintiff's Mark. The Defendants is using the Impugned Mark to deal in gas stoves and other appliances used in the kitchen.

10. On a bare perusal of the Plaintiff's Mark and the Impugned Mark, it is evident that the Plaintiff's Mark and the Impugned Mark are deceptively similar, they are visually and phonetically similar, the nature of the Marks is similar, the consumer base and the class of consumers is also similar. The Plaintiff's Mark and the Impugned Mark are visually and phonetically identical, the Plaintiff and the Defendants are dealing in a similar category of products. The Plaintiff has established that the Defendants has not only infringed the Plaintiff's Mark, but the Defendants have also tried to pass off the Infringing Product as the Plaintiff's Products.

11. The Defendants have merely replaced the letter 'M' from the Plaintiff's Mark, with the letter 'R' in the Impugned Mark, which is clearly an attempt to come as close as possible to the Plaintiff's Mark and is insufficient to distinguish the rival Marks. The rival Marks are predominantly similar and clearly an attempt of the Plaintiff to come as close to the Respondent as possible. The Plaintiff's Mark is neither descriptive nor generic and therefore the judgment in *Vasundhra Jewellers* (supra) relied upon by the Defendant does not help the case of the Defendant.

12. The Plaintiff's Mark serves as a source indicator for the Plaintiff's Products. Therefore, the Plaintiff's Mark has attained a distinctive character and have become identifiers and distinguish the Plaintiff's Products from those of other parties, including, from those of the Defendants. By extensive,



continuous, and prolonged usage, the public at large commonly associates the Mark, 'SUNFLAME', with the Plaintiff. The Impugned Mark is deceptively similar to the Plaintiff's Mark and is likely to cause confusion in the market.

Goodwill and Prior Use of the Plaintiff's Mark:

13. The Plaintiff is the registered proprietor of the Plaintiff's Mark with the earliest registration for the Plaintiff's Mark in India was in the year 1980. The Plaintiff has been using the Plaintiff's Mark in India continuously since the year 1980 with respect to gas stoves. The Plaintiff has demonstrated the goodwill and reputation acquired by the Plaintiff's Marks. The Plaintiff has earned considerable revenue of ₹3,00,00,36,000 for the FY 2022-23 selling the Plaintiff's Product under the Plaintiff's Mark. The Defendants' use of the Impugned Mark is dishonest and is nothing but an attempt to ride the goodwill and reputation of the Plaintiff's Mark so as to cause confusion in the market.

14. It is implausible that the Defendants were not aware of the Plaintiff and the Plaintiff's Mark considering the overwhelming goodwill of the Plaintiff. Accordingly, the use of the Impugned Mark, is *prima facie* dishonest and appears to be an attempt to ride on the goodwill and reputation of the Plaintiff's Mark. The Defendants had applied for registration of the Impugned Mark in 2017 on a proposed to be used basis in Class 11 with respect to goods identical or similar to the Plaintiff's Products under the Plaintiff's Mark.

Likelihood of Confusion:

15. The likelihood of confusion amongst the minds of the consumers is very high given the allied and cognate nature of goods. The use of the



Impugned Mark by the Defendants is likely to cause confusion that the Defendants are connected with the Plaintiff, where no such link exists.

16. Further, the test of confusion is to be seen from the perspective of an average person with imperfect recollection getting confused and in view of the Plaintiff's Mark and the Impugned Mark being almost identical, any ordinary person would get confused and would not be able to distinguish between the Plaintiff's Mark and the Impugned Mark.

17. If the Infringing Products were allowed to be continued in the market, it would be normal any average consumer, who is aware of the Plaintiff's Product under the Plaintiff's Mark to presume that there is an association between the Infringing Products and the Plaintiff. This presumption of association, which arises out of the similarity between the Plaintiff's Mark and the Impugned Mark and the fact that they are both used for identical products, would result in infringement within the meaning of Section 29 (2)(b) of the Act.

18. Applying the test of initial interest confusion, confusion in the mind of the consumers may arise at the preliminary stage, prior to the actual purchase being completed. At the point of finalizing the transaction, the consumer may no longer be in doubt as to the true origin of the goods or services. Nonetheless, even such transient confusion at the initial stage is sufficient to meet the requirement of deceptive similarity under Section 29 of the Act. The infringer's objective may be served merely by diverting the consumer's initial attention. The consumer may, thereafter, consciously opt for the infringer's product on account of its own characteristics, with complete knowledge that it is unconnected with the registered Trade Mark.



19. As it has been held by this Court in *South India Beverages* (supra) that Courts should not engage in technical gymnastics to find minor differences in conflicting marks. Further, in *Marico Ltd.* (supra) it has been held by this Court that most successful form of copying is to employ enough points of similarity to confuse the public with enough points of difference to confuse the Courts. Comparing the Plaintiff's Mark and the Impugned Mark as a whole, the Impugned Mark is deceptively similar to the Plaintiff's Mark and is likely to cause confusion in the mind of an average consumer and therefore, the judgments in *Kaviraj Pandit* (supra) and *Superfil Products* (supra) do not hold the case of the Defendants.

20. Infringement occurs even without side-by-side comparison if a consumer of average intelligence, upon later seeing the defendant's mark, is likely to wonder about its association with the plaintiff's. Imitation of the central idea or commercial impression of a mark, not just its visual or phonetic details, can also amount to idea infringement as has been held by this Court in *KRBL Ltd.* (supra). Having established the deceptive similarity of the Impugned Mark and the likelihood of confusion between the rival Marks, the decisions of this Court in *Marico Limited* (supra), *BigTree Entertainment* (supra), *PhonePe Private* (supra) do not help the case of the Defendants either.

21. The Defendants' use of the Impugned Mark is with the purpose of causing confusion in the mind of the customers to generate sales of the Infringing Product riding upon the goodwill of the Plaintiff's Mark. The Defendants cannot be allowed to take advantage of the Plaintiff's goodwill and use a Mark that is deceptively similar to the Plaintiff's Mark in order to generate sales of the Infringing Product. The Defendants have failed to come



up with a plausible reason as to how the Defendants came up with the Impugned Mark, accordingly, the use of the Impugned Mark, is *prima facie* dishonest.

Passing Off:

22. The Plaintiff has made a *prima facie* case of passing off as they have shown substantial goodwill for the Plaintiff's Product under the Plaintiff's Mark through the revenue earned by the Plaintiff and the promotional expenses incurred by the Plaintiff. As the Plaintiff has been able to demonstrate likelihood of confusion through the misrepresentation of the Defendants by the adoption of the Impugned Mark which is deceptively similar to the Plaintiff's Mark, the Plaintiff is likely to suffer loss of reputation and incur damages, if the Infringing Product is allowed to pass off as the Plaintiff's Products.

CONCLUSION

23. Having considered the submissions advanced by the learned Counsel for the Parties, the pleadings and the documents on record, a *prima facie* case has been made out on behalf of the Plaintiff for grant of interim injunction.

24. The Plaintiff has established its prior user as well as goodwill and reputation, on the basis of the documents on record. Injunction is a relief in equity, and in view of the aforesaid discussion, the same is in favour of the Plaintiff and against the Defendants. Further, the balance of convenience also lies in favour of the Plaintiff and against the Defendants and grave prejudice is likely to be caused to the Plaintiff if interim injunction as prayed for is not granted in favour of the Plaintiff and against the Defendants.



25. The Plaintiff has not suppressed any material fact and has revealed all material facts before the Court and are not guilty of approbating and reprobating their stand and therefore, the decisions in *S.K. Sachdeva* (supra) and *Raman Kwatra* (supra) will not hold the case of the Defendants. Further, a registered proprietor of a mark, is not expected to file suits or proceedings against infringers which are of no consequence as has been held in *Pankaj Goel* (supra).

26. The Defendants have replicated all essential features of the Plaintiff's Mark. The Defendants' minor variation, substituting 'M' with 'R' to form 'SUNFLAME' from 'SUNFLARE' does not make the competing Marks dissimilar. Gas stoves and kitchen products are purchased by all classes of consumers, and the consumers may not check the exact spelling before purchasing the Infringing Product.

27. This is a case of triple identity where the Plaintiff's Mark and the Impugned Mark are identical, the product category is identical and the trade channel as also the consumer base is identical. The Plaintiff being the prior user, adopter of the Plaintiff's Mark is entitled to protection. The identity in the Impugned Mark is so close to the Plaintiff's Mark that they are indistinguishable.

28. Accordingly, the Defendants, their directors, proprietors, partners, associates, assigns or assignees in interest, heirs, successors or successors in interest, permitted assigns, sister concerns or group companies, distributors, dealers, wholesalers, retailers, stockiest, agents and all others acting for and on their behalf are restrained from using, soliciting and advertising in any manner including on the internet and e-commerce platform, directly or indirectly dealing in gas stoves and all other kitchen appliances under the



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Impugned Mark, 'SUNFLARE/' and / or any other Trade Mark which is identical and / or deceptively similar to the Plaintiff's Mark,



'SUNFLAME/' , so as to cause infringement and / or passing off.

29. Accordingly, the present Application is allowed and stands disposed of.

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30. List on 27.03.2026 before the Joint Registrar (Judicial) for competition of pleadings, Admission / Denial of documents and marking of Exhibits.

TEJAS KARIA, J

JANUARY 31, 2026/ 'AK'