



\$~15

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

% *Date of Decision: 02.04.2026*

+ **FAO(OS) (COMM) 77/2026**

HELIOS LIFESTYLE LIMITED

.....Appellant

Through: Mr. Amit Sibal, Sr. Adv. with Ms. Roohe Hina Dua, Ms. Yashika Kapoor, Ms. Shrutika Garg, Ms. Aroha Kadyan, Mr. Saksham Dhingra, Ms. Smriti Nair and Ms. Ramayni Sood, Adv.

versus

IDAM NATURAL WELLNESS PRIVATE LTD. & ORS.

.....Respondents

Through: Mr. Akshay Makhija, Sr. Adv. with Mr. Manish Dhir, Adv.

CORAM:

HON'BLE MR. JUSTICE V. KAMESWAR RAO

HON'BLE MS. JUSTICE MANMEET PRITAM SINGH ARORA

V. KAMESWAR RAO, J. (ORAL)

CM APPL. 21033/2026 & CM APPL. 21034/2026 (Exemptions)

1. Exemptions are allowed, subject to just exceptions.
2. The applications are disposed of.

FAO(OS) (COMM) 77/2026, CM APPL. 21032/2026

3. This appeal has been filed by the appellant challenging the order of the learned Single Judge dated 11.03.2026 whereby the learned Single Judge in a suit, more particularly in an application filed by the Respondent No.1 under Order XXXIX Rule 1 & 2 of the Code of Civil Procedure, 1908 ("CPC") has in paragraph 33 stated as under:

"33. Accordingly, till the next date of hearing, Defendants, their principals, proprietor, partners, officers, employees, agents, distributors, suppliers, affiliates, subsidiaries, franchisees, licensees,



representatives, group companies and assigns are restrained from:-

a) using the trademark/name OUD WHITE and/or any other trademark or name identical and/or deceptively similar to Plaintiff's trademark WHITE OUD and/or BELLAVITA WHITE OUD either as a trademark or part of a trademark, a trade name or corporate name or as a part of a domain name, email Id, Social media profile name or in any other manner whatsoever, so as to constitute passing off of the impugned products of the Defendants as those of the Plaintiff;

b) manufacturing or authorizing the manufacture, marketing, distributing, exporting, selling, offering for sale of any product bearing labels/packaging/trade dress/bottle shape identical or deceptively similar to the trade dress of Plaintiff's products being marketed and sold under the trademarks WHITE OUD/BELLAVITA WHITE OUD in respect of its range of perfumes, amounting to infringement of copyright of the Plaintiff;

c) manufacturing or authorizing the manufacture, distributing, exporting, selling, offering for sale, advertising, promoting, displaying and/or using, in any manner whatsoever, products bearing labels/packaging/trade dress/bottle shape, identical or deceptively similar to variants of Plaintiff's products under its 'BELLAVITA' range of perfumes, as brought forth in paragraph 29 above, amounting to infringement of copyright and passing off."

4. One of the submission of Mr. Amit Sibal, learned Senior Counsel appearing for the appellant is that by the impugned order, the learned Single Judge has restrained the appellant from using the trademark 'OUD WHITE', 'WHITE OUD' and/or 'BELLAVITTA WHITE OUD' and also with regard



to perfumes as referred to in paragraph 29 of the said order. This according to Mr. Sibal shall also include the perfumes whose photographs are depicted in the said paragraph. His submission is that the averments, which are required to be pleaded in law have not been pleaded in the plaint at least with regard to these perfumes. In any case, without foundational facts, the learned Single Judge has restrained the appellant herein from using the labels/packaging/trade dress/bottle shape, in respect of these perfumes.

5. On the other hand, Mr. Akshay Makhija, learned Senior Counsel appearing for the Respondent No.1 would justify the order passed by the learned Single Judge.

6. We have heard the counsel for the parties at length. It is conceded that an application under Order XXXIX Rule 4 CPC has been filed by the appellant. The learned Single Judge has fixed the said application for hearing on 30.04.2026. In view of the submissions made by Mr. Sibal, and on perusing the record including the plaint we are of the *prima facie* view that the submissions made by Mr. Sibal has some merit. Appropriate shall be that till such time the application filed by the appellant under Order XXXIX Rule 4 of the CPC and also the application filed by the Respondent No.1 under Order XXXIX Rules 1 and 2 are decided by the learned Single Judge, the Respondent No.1 shall not seek the implementation of the impugned order passed by the learned Single Judge with regard to the perfumes whose photographs have been depicted in paragraph 29 of the impugned order.

7. It is made clear that the appellant shall be within its right to sell the said perfumes using labels/packaging/trade dress/bottle shape. It shall maintain accounts of the sales till the decision of the applications under Order XXXIX Rule 4 of the CPC and under Order XXXIX Rules 1 and 2 of



the CPC. The statement of accounts shall be filed on the record of the learned Single Judge, before the date of hearing on 30.04.2026.

8. Mr. Makhija states that the Respondent No.1 herein shall file a reply to the application under Order XXXIX Rule 4 of the CPC within one week from today. Rejoinder thereof be filed within two weeks thereafter.

9. We make it clear that all the contentions of the parties on the applications filed by the appellant under Order XXXIX Rule 4 of the CPC and the Respondent No.1 under Order XXXIX Rules 1 and 2 of the CPC are left open, to be canvassed before the learned Single Judge. The learned Single Judge shall decide the applications without being influenced by any observation made by us in this order.

10. The appeal and the pending application are disposed of.

11. At this stage, learned Senior Counsel for the parties would submit that the parties shall without prejudice make an attempt to explore settlement before the Delhi High Court Mediation and Conciliation Centre.

12. If that be so, the parties through their counsel shall appear before the Delhi High Court Mediation and Conciliation Centre on 07.04.2026 at 03:30 PM. The report shall be filed by the centre before the learned Single Judge by the date of hearing i.e. 30.04.2026.

V. KAMESWAR RAO, J

MANMEET PRITAM SINGH ARORA, J

APRIL 2, 2026/sr