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**IN THE HIGH COURT OF DELHI AT NEW DELHI**  
**CS(COMM) 451/2018**

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**AMAN RESORTS LTD.**

..... Plaintiff

Through: Mr. Jayant Mehta, Sr. Adv., with  
Mr. Sanjeev K. Sharma, Mr.  
Anirudh K. Gandhi, Mr. Akshat  
Agarwal, Ms. Ayushi Harsh, Mr.  
Anubhav Das, Mr. Siddharth Jain,  
Advs. (M. 9873146974)

versus

**PRADEEP JAIN AND ORS.**

..... Defendants

Through: Mr. Sanjay Gupta, & Mr. Karanveer  
Singh Anand, Advs. for D- 1 to 5  
(M. 9717300119)

**CORAM:**

**JUSTICE PRATHIBA M. SINGH**

**ORDER**

% **01.12.2023**

1. This hearing has been done through hybrid mode.
2. An adjournment slip has been circulated on behalf of Defendant Nos.1 to 5.
3. Vide order dated 22<sup>nd</sup> November 2023, this Court directed as follows:

*“8. After having perused the documents on record and after having noted that the Plaintiffs incorporation in India is subsequent to that of the Defendant No.5, the Court is of the opinion that there is a dispute with regard to usage of the mark/name by the Plaintiff, considering the chronological order of incorporation. However, it is noted that the Plaintiff has registered trademarks for the mark 'AMAN' in various classes. In view of the same Id. Counsels for the parties may seek instructions on the following aspects:*

**i. Whether the Defendants could consider**



**changing the corporate name to either Aman Real Estate Pvt. Ltd. or Aman Suites Pvt. Ltd., or any other name, such that the same is not identical to the Plaintiff s corporate name. This would obviate any chances of confusion.**

**ii. If the Defendants agree to change their corporate name, the Plaintiff would not press for either damages or costs in the suit.**

*9. The above would be without prejudice to the submissions to be made on behalf of the Defendants that the use of the impugned corporate name would not constitute either infringement or passing off. If the above course of action is not acceptable to the parties, the matter shall be heard on merits on the next date.”*

4. In terms of the previous order, ld. Counsel for the Plaintiff submits that the proposals incorporated in the said order are not acceptable to the Plaintiff, and the Defendants ought to be enjoined from using the word ‘AMAN’ in the corporate name or as a mark.

5. In view thereof, settlement is not possible, list for final hearing on 26th February, 2024.

6. Both parties may file their written note of submissions at least two weeks before the next date of hearing, along with copies of any judgments that they wish to place reliance upon.

**PRATHIBA M. SINGH, J.**

**DECEMBER 01, 2023**

Rahul/dn