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

+ **CS(COMM) 1393/2025 & I.As. 32346-50/2025**

**BRITANNIA INDUSTRIES LTD**

.....Plaintiff

Through: Mr. Sagar Chandra, Ms. Ishani Chandra, Ms. Shubhie Wahi, Ms. Sanya Kapoor and Ms. Mansha Bhatia, Advocates

versus

**SHRI SWASTIK ORGANICS & ORS.**

.....Defendants

Through: None

**CORAM:**

**HON'BLE MS. JUSTICE MANMEET PRITAM SINGH ARORA**

**ORDER**

% **23.12.2025**

**I.A. 32350/2025 (seeking exemption from pre-institution mediation)**

1. This is an application filed under Section 12A of the Commercial Courts Act, 2015, read with Section 151 of the Code of Civil Procedure, 1908 ['CPC'], seeking exemption from instituting pre-litigation mediation.

2. Having regard to the fact that the present suit contemplates urgent interim relief, and in light of the judgment of the Supreme Court in **Yamini Manohar v. T.K.D. Keerthi**<sup>1</sup>, exemption from the requirement of pre-institution mediation is granted to the Plaintiff.

3. Accordingly, the application stands disposed of.

**I.A. 32349/2025 (for exemption)**

4. This is an application filed under Section 151 of CPC on behalf of the

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<sup>1</sup> (2024) 5 SCC 815



Plaintiff, seeking exemption from the filing of certified copies.

5. Subject to the Plaintiff filing certified copies within a period of thirty [30] days from today, exemption is granted for the present, failing which, the plaintiff will not be entitled to rely upon these documents.

6. The application is disposed of.

**I.A. 32348/2025 (for exemption)**

7. This is an application filed under Section 151 of CPC seeking exemption from filing clear/typed/translated/legible copies.

8. Subject to the Plaintiff filing clear/typed/translated/legible copies within a period of thirty[30] days from today, exemption is granted for the present, failing which, the plaintiff will not be entitled to rely upon these documents.

9. The application is disposed of.

**I.A. 32347/2025 (for additional documents)**

10. This is an application seeking leave to file additional documents under Order XI Rule 1(4) of CPC [as amended by the Commercial Courts, Commercial Division and Commercial Appellate Division of High Courts Act, 2015 ('Commercial Courts Act')] read with Section 151 CPC, within thirty [30] days.

11. The Plaintiff, if it wishes to file additional documents, shall file the same within thirty [30] days from today, and it shall do so strictly as per the provisions of the Commercial Courts Act and the Delhi High Court (Original Side) Rules, 2018 ['DHC Rules'].

12. For the reasons stated in the application, the same is allowed.

13. Accordingly, the application is disposed of.



**CS(COMM) 1393/2025**

14. Let the plaint be registered as a suit.
15. Summons be issued to DefendantNos. 1 to 4 by all permissible modes on filing of the process fee. Affidavit of service be filed within two [2] weeks.
16. The summons shall indicate that the written statement[s] must be filed within thirty [30] days from the date of receipt of the summons. The defendants shall also file affidavit[s] of admission/denial of the documents filed by the Plaintiff, failing which the written statement[s] shall not be taken on record.
17. The Plaintiff is at liberty to file replication thereto within thirty [30] days after filing of the written statement[s]. The replication[s] shall be accompanied by affidavit of admission/denial in respect of the documents filed by the Defendants, failing which the replication[s] shall not be taken on record.
18. It is made clear that any unjustified denial of documents may lead to an order of costs against the concerned party.
19. Any party seeking inspection of documents may do so in accordance with the DHC Rules.
20. List before the learned Joint Registrar (J) on **10.02.2026**.
21. List before Court on **21.05.2026**.

**I.A. 32346/2025 (Under Order XXXIX Rule 1 and 2 CPC)**

22. This is an application filed under Order XXXIX Rule 1 and 2 read with Section 151 of CPC.
23. Mr. Sagar Chandra, learned counsel for the Plaintiff, sets up the Plaintiff's case as follows: -



23.1. The Plaintiff/Britannia Industries Ltd. is a leading food company in India with over Rs. 17942 crores in revenue until 31.03.2025 since 1918. The Plaintiff adopted 'Little Hearts' in the year 1988, and in 1993, the Plaintiff launched a unique type of sugar-coated, heart-shaped biscuit

23.2. One of the leading brands of the Plaintiff is 'Little Hearts' ['Plaintiff's mark'], which has been registered as a wordmark bearing no. 5341989 in class 30 dated 23.02.2022 with user claim since 22.05.1993.

The Plaintiff also has registration for the 3D shape mark



['shape mark'] bearing TM no. 4274917 dated 26.08.2019, claiming use since 22.05.1993 in class 30. Details of Plaintiff's registrations have been set out in paragraph '8' of the plaint.

23.3. The Plaintiff also holds several registrations for various marks comprising the mark 'Little Hearts' and/or its packaging/trade dress in India, which have been set out in paragraph '9' of the plaint.

23.4. Plaintiff's sales turnover under the mark 'Little Hearts' for the year 2024-2025 is Rs. 203.4 crores.

23.5. Products bearing the Plaintiff's mark are available through various third-party e-commerce websites.

#### **Knowledge about the Defendants' Infringement**

23.6. In December 2025, the Plaintiff came across the product 'Little Hearts Biscuits' ['impugned product'] bearing the trademark 'Little Hearts'



[‘impugned mark’] being sold on the platform of Defendant No.5/Amazon.

23.7. The Plaintiff procured the impugned product from Amazon, and it is through this that the Plaintiff learnt that Defendant No.1/Shri Swastik Organics, Defendant No.2/Sujal Maheshwari, Defendant No.3/Nilesh Maheshwari and Defendant No.4/Nilesh Bhootra are all operating together [hereinafter collectively referred to as ‘the infringing Defendants’].

23.8. The infringing Defendants are not only using the impugned mark but



are also using an identical 3D shape [‘impugned shape’].

23.9. The infringing Defendants, while listing the impugned product on Amazon/Defendant No.5, under the heading ‘About this item’, have expressly referred to ‘Britannia Little Hearts’ and the ‘trademark gold and red pack’, both of which belong exclusively to the Plaintiff. The said Defendants have further reproduced images of the Plaintiff’s product on the said listing, in which the Plaintiff has copyright, which further substantiates their dishonest intention.

23.10. It is stated that despite having knowledge that the Plaintiff is the prior user of the ‘Little Hearts’ mark/3D shape mark for identical, the infringing Defendants have adopted an identical mark/shape, and thus, are bound to cause confusion among the relevant consumers. It is a calculated attempt to mislead the consumer into believing that the impugned products are manufactured or associated with the Plaintiff.

### **Court’s Findings**

24. This Court has heard the learned counsel for the Plaintiff and has also





perused the record.

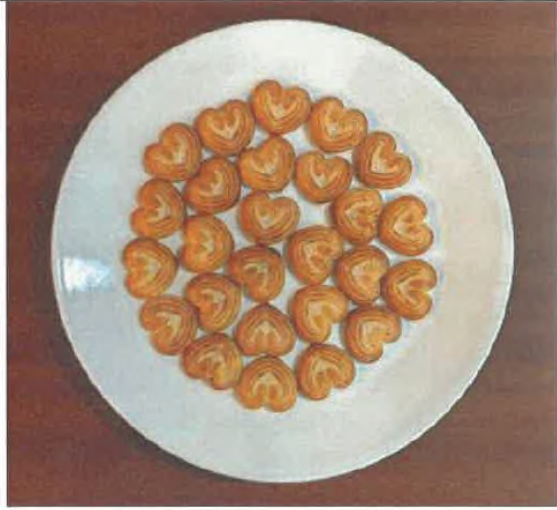

25. Learned counsel for the Plaintiff states that advance service has been affected on 19.12.2025 through the e-mail addresses of Defendants Nos. 1 to 5 as mentioned in the memo of parties.

26. However, none appears on behalf of Defendant Nos. 1 to 5 despite the advance service.

27. A comparison chart of the Plaintiff's mark/product and the impugned mark/product is as follows: -

PLAINTIFF'S TRADE MARKS	IMPUGNED MARKS
<b>LITTLE HEARTS</b>	<b>LITTLE HEARTS</b>
	
Plaintiff's Trade Mark/3D Shape Mark 'LITTLE HEARTS'	Impugned Trade Mark/Shape 'LITTLE HEARTS'



PLAINTIFF'S MARK/3D SHAPE MARK	DEFENDANT NO. 1-4'S MARK/SHAPE MARK
	


28. A bare perusal of the aforesaid comparison, it is prima facie evident that the impugned mark 'Little Hearts', and the adoption of the impugned shapes, are identical to the Plaintiff's registered trademark and shape.

29. The infringing Defendants' listing on Defendant No. 5's platform, wherein the impugned product is expressly portrayed as 'Britannia Little Hearts' and accompanied by images in which copyright vests in the Plaintiff, constitutes admission as well as a clear and deliberate act of dishonest adoption. The infringing Defendants' use of the impugned mark and the identical product shape alsodemonstrates their mala fide intent to misrepresent the origin of the impugned goods and ride upon the goodwill and reputation garnered by the Plaintiff.

30. This is a case of triple identity where the marks are virtually identical, the products are identical, and the trade channel, as well as the consumer base, is identical. The Plaintiff, being the prior user, adopter, and the






registered owner of the trademark/shape 'Little Hearts/  ' mark, is entitled to protection. To an unwary consumer of average intelligence and imperfect recollection, the marks are likely to appear identical, thereby leading the consumers to associate the infringing Defendants' business with that of the Plaintiff.

31. In the overall conspectus, Plaintiff has made out a prima facie case for the grant of an injunction against Defendant Nos.1 to 4. This Court is satisfied that if an ad interim injunction is not granted at this stage, irreparable harm/ injury would be caused to the Plaintiff. Balance of convenience also lies in favour of the Plaintiff, and against Defendant Nos.1 to 4.

32. Accordingly, until further orders, the following direction is issued: -

32.1. The Defendant Nos.1 to 4, their partners, principals, proprietor, directors, officers, employees, agents, distributors, franchisees, suppliers, licensees, affiliates, subsidiaries representatives, group companies and assignees is/are restrained from using, manufacturing, selling, marketing and advertising its business and/or allowing or permitting third parties to use, market and/or advertise the goods bearing the impugned mark/shape 'Little



Hearts/  ' and/or any other trade mark/shape or name identical and/or similar to the Plaintiff's registered





trademarks 'Little Hearts/' and its formatives in any manner whatsoever.

32.2. Defendant Nos. 1 to 4 are also restrained from dealing in images/photographs in which the Plaintiff holds copyright in any manner whatsoever,

32.3. Defendant No.5 is directed to delist/take down all the impugned products of Defendant Nos. 1 to 4 bearing the impugned mark/shape, which is listed on its platform.

33. Issue Notice to the Defendant, through all permissible modes, upon filing of process fees, returnable on the next date of hearing.

34. Compliance with Order XXXIX Rule 3 of CPC be done within a period of one [1] week from today.

35. List before the learned Joint Registrar (J) on **10.02.2026**.

36. List before Court on **21.05.2026**.

37. The digitally signed copy of this order, duly uploaded on the official website of the Delhi High Court, [www.delhihighcourt.nic.in](http://www.delhihighcourt.nic.in), shall be treated as a certified copy of the order for the purpose of ensuring compliance. No physical copy of the order shall be insisted by any authority/entity or litigant.

**MANMEET PRITAM SINGH ARORA, J**  
**DECEMBER 23, 2025/rhc/aa**