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

+ **CS(COMM) 338/2025 & I.A. 9449-9454/2025**

**AGARWAL PACKERS AND
MOVERS LTD. AND ORS.**

.....Plaintiffs

Through: Mr. Jeevesh Nagrath, Senior Advocate
with Mr. Mohit Goel, Mr. Deepankar
Mishra, Mr. Abhishek Kotnala,
Mr. Kartikeya Tandon and Mr. Arjun
Guar, Advocates

versus

**AGGARWAL CARGO PACKERS
AND MOVERS AND ORS**

.....Defendants

Through:

**CORAM:
HON'BLE MR. JUSTICE AMIT BANSAL**

**ORDER
09.04.2025**

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**I.A. 9451/2025 (seeking exemption from filing originals, certified/
translated/ clear copies of documents, etc.)**

1. Allowed, subject to plaintiffs filing certified/ translated/ clear copies of documents and documents with proper margins within four (4) weeks.
2. The plaintiffs are exempted from filing the originals at this stage.
3. The application stands disposed of.

I.A. 9450/2025 (u/O-XI Rule 1(4) of the Commercial Courts Act, 2015)

4. The present application has been filed on behalf of the plaintiffs seeking leave to file additional documents under the Commercial Courts Act, 2015.
5. The plaintiffs are permitted to file additional documents in accordance



with the provisions of the Commercial Courts Act, 2015 and the Delhi High Court (Original Side) Rules, 2018.

6. Accordingly, the application is disposed of.

I.A. 9452/2025 (u/s 149 of the CPC)

7. Mr. Mohit Goel, counsel appearing on behalf of the plaintiffs, submits that the requisite court fees shall be paid within one (1) week.

8. The aforesaid statement of counsel for the plaintiffs is taken on record.

9. The application is disposed of.

I.A. 9453/2025 (u/s 12A of Commercial Courts Act, 2015)

10. As the present suit contemplates urgent interim relief, in light of the judgment of the Supreme Court in *Yamini Manohar v. T.K.D. Krithi*, 2023 SCC Online SC 1382, exemption from the requirement of pre-institution mediation is granted.

11. The application stands disposed of.

I.A. 9454/2025 (seeking time to file required certificate u/s 63(4)(c) of Bhartiya Sakshya Adhiniyam, 2023)

12. Mr. Mohit Goel, counsel for the plaintiffs, submits that the required Certificate under Section 63(4)(c) of Bhartiya Sakshya Adhiniyam, 2023 shall be filed within four weeks from today.

13. The aforesaid statement of counsel for the plaintiffs is taken on record.

14. The application stands disposed of.

CS(COMM) 338/2025

15. Let the plaint be registered as a suit.

16. Issue summons.

17. Summons be issued to the defendants through all permissible modes. The summons shall state that the written statement(s) shall be filed by the



defendants within thirty (30) days from the date of the receipt of summons. Along with the written statement(s), the defendants shall also file affidavit(s) of admission/ denial of the documents of the plaintiffs, without which the written statement(s) shall not be taken on record.

18. Liberty is given to the plaintiffs to file replication(s), if any, within thirty (30) days from the receipt of the written statement(s). Along with the replication(s) filed by the plaintiffs, affidavit(s) of admission/ denial of the documents of the defendants be filed by the plaintiffs.

19. The parties shall file all original documents in support of their respective claims along with their respective pleadings. In case parties are placing reliance on a document, which is not in their power and possession, its detail and source shall be mentioned in the list of reliance, which shall also be filed with the pleadings.

20. If any of the parties wish to seek inspection of any documents, the same shall be sought and given within the timelines.

21. List before the Joint Registrar on 29th July, 2025 for completion of service and pleadings.

22. List before the Court on 25th September, 2025.

I.A. 9449/2025 (u/O-XXXIX Rule 1 & 2 of the CPC)

23. The present suit has been filed seeking relief of permanent and mandatory injunction restraining the defendants no.1 and 9 from infringement of trade marks and passing off along with other ancillary reliefs.

24. The plaintiffs are engaged in the business of providing services of packers, movers, re-location, transportation, logistics, public carriers, carriers for goods, merchandise, commodities, transportation of all kinds of goods and luggage of all kinds and description, booking cargo, goods and luggage with



road carriers, railways, airlines and steamships and also provide the services of wharfingers, warehouse keepers, clearing and forwarding agents, contractors for packing, moving, loading and unloading of goods, parcels and movables of all types across India and internationally. The services of the plaintiffs also include 3PL, warehousing, home storage, supply chain, ODC transportation, cube-online freight station and other related services.

25. The plaintiffs no.1 and 2 were incorporated by Mr. Ramesh Agarwal, who was an airman in the Indian Air Force from 1980 to 1986.

26. In 1986, Mr. Ramesh Agarwal commenced his business independently in the name of M/s Agarwal Clearing and Forwarding Agency in relation to packing and transportation of household goods and catering to such requirements of commercial organizations, corporate, public sector units, multinational companies, etc. In September 1987, Mr. Ramesh Agarwal started a partnership firm under the name and style of M/s Agarwal Household Carriers, which entity was also involved in the business of packaging and transportation of goods and household effects.

27. Subsequently, in 1991, the plaintiff no.2 was incorporated under the name M/s DRS Transport (P) Ltd, which was subsequently changed to M/s DRS Logistics (P) Ltd. Thereafter, the plaintiff no.1 was incorporated in 2006.

28. It is averred that the Plaintiffs are well reputed and the undisputed leaders in India for offering and providing services, *inter alia*, packaging and moving. The plaintiffs employ more than 1200 employees and have a network across 1264 local locations, with 140 branches located in 50 cities across the country. The plaintiffs have a fleet of more than 4600 vehicles with a warehousing capacity of 18,00,000/- sq. ft. The plaintiffs have presence in 182 countries across the world.



29. Since the commencement of their business activities, the plaintiffs, in order to ensure that their customers identify and associate their services solely with their business, adopted the marks including '*Agarwal Packers & Movers*', '*Aggarwal Domestic/International Packers & Movers*', '*Aggarwal Household Packers & Logistic*', www.agarwalpackers.com, '*Aggarwal*

Packers & Movers', '*APM*', **AGGARWAL PACKWAYS**, , '*Agarwal*

Packers Movers', '*APM Group*', , , ,



Insights of Assurance...

, '*APML*' and '*Movers Packers & Agarwal*' (hereinafter collectively referred to as the 'plaintiffs' marks').

30. The annual turnover of the plaintiff no.1 from the financial year 2007-08 to 2023-24 and of the plaintiff no.2 from the financial year 2016-17 to 2023-24 are provided in paragraph no.16 of the plaint.

31. The plaintiffs advertisement expenses from the financial year 1993-94 to 2022-23 are provided in paragraph no.17 of the plaint. Pertinently, the plaintiffs' advertisement expenses in the financial year 2022-23 is to the tune of Rs. 10,86,33,000/-.

32. The plaintiffs have an indomitable presence on the internet through various websites including www.agarwalpackers.com, www.agarwalpackers.co.in and www.drslogistics.in among over 40 websites. The plaintiffs also operate their profiles on social media platforms such as Facebook, Instagram, LinkedIn, X and YouTube.

33. The plaintiffs also have major business houses in India as a part of their



clientele which include Tata, Airtel, Hyundai, Havells, Godrej, PepsiCo, Suzuki, Asian Paints, Apollo, Blue Star, HCL, State Bank of India, Barclays, IDBI Bank, Axis Bank, UltraTech Cement, etc.

34. The plaintiffs are also the recipient of numerous prestigious awards and recognitions, an illustrative list of which is provided in paragraph no.27 of the plaint.

35. It is submitted that owing to the plaintiffs' widespread goodwill and reputation under the plaintiffs' marks acquired over more than 35 years, the members of trade and public associate the same with the plaintiffs only and no one else.

36. In addition to the plaintiffs' common law rights in the plaintiffs' marks, the plaintiffs have also obtained statutory rights over the same. A list of the plaintiffs' trade mark registrations for various plaintiffs' marks in India are given in paragraph no.14 of the plaint. The earliest registration in favour of the plaintiffs for the mark '*Agarwal Packers & Movers*' in class 39 dates back to 31st March 2004 and the same has been registered with a user claim since 1st January 1988.

37. It is averred that the logos/ trade dress, being an artistic creation of the plaintiffs, are capable of being protected as artistic works under the Copyright Act, 1957. The plaintiff no.2 has obtained registration of copyright in the



artistic work '*Agarwal Packers & Movers*', vide registration no. A-75140/2005 and the plaintiff no.1 has obtained registration of copyright in the artistic work '*Agarwal Packers & Movers*'



, vide registration no. A-101150/2013.

38. It is the case of the plaintiffs that the defendant no.1, either alone or in



collision with the defendant no.9 (John Doe), operates multiple fraudulent websites simultaneously in violation of the plaintiffs' common law and statutory rights in the plaintiffs' marks and is likely to switch domain names and provide its services through new websites upon receiving a restraining order.

39. The table containing the details of the defendant no.1, as given in paragraph no.41 of the plaint, is set out below:

Defendant No. in the array of parties	Trading as	Infringing Domain Name along with relevant information	Infringing Marks
Defendant No.1	<p>Aggarwal Cargo Packers and Movers</p> <p><u>Address:</u> Plot No.10, Patel Chowk Near National Insurance Company Jalandhar, Punjab – 144001</p> <p><u>Phone:</u> 9888283748, 7837376464</p> <p><u>Email:</u> sales@aggarwalmoverspackers.in</p>	<p><u>Domain:</u> www.aggarwalmo verspackers.in</p> <p><u>DNR:</u> GoDaddy.com, LLC</p> <p><u>Registrant</u> Hidden</p>	<p>‘Agarwal Cargo Packers and Movers’</p> <p>AGGARWAL CARGO PACKERS & MOVERS</p> <p> AGGARWAL CARGO PACKERS & MOVERS</p>

40. A perusal of the table above would show that the defendant no.1 has adopted and is using the name/ marks Agarwal Cargo Packers and Movers,



**AGGARWAL CARGO
PACKERS & MOVERS**



and

(hereinafter 'impugned marks')

and the domain name www.aggarwalmoverspackers.in (hereinafter 'impugned domain name'), which are virtually identical with the plaintiffs' marks, in relation to services identical with those of the plaintiffs.

41. Based on the averments made in the plaint, the plaintiffs have established their statutory as well as common law rights over the plaintiffs' marks in relation to their services.

42. In view of the above, a *prima facie* case of infringement and passing off is made out on behalf of the plaintiffs in their favour. Clearly, an attempt has been made by the defendant no.1 to create an impression that the impugned services of the defendant no.1 are associated with the plaintiffs.

43. Balance of convenience is in favour of the plaintiffs and against the defendant no.1. Irreparable loss, harm and injury would be caused to the plaintiffs if the defendant no.1 continues to use the impugned marks in relation to the impugned services. Prejudice would also be caused to the public as the impugned marks of the defendants no.1 is virtually identical with the plaintiffs' marks and is likely to cause confusion in the market.

44. None appears on behalf of the defendants despite advance service.

45. Issue Notice.

46. Notice be issued to the defendants through all permissible modes, including email.

47. Reply(ies) be filed within four (4) weeks.

48. Rejoinder(s) thereto, if any, be filed within two (2) weeks thereafter.

49. Consequently, till the next date of hearing, the defendant no. 1, their directors, proprietors, partners, officers, servants, agents, contractors,



subsidiaries, holding companies, sister concerns, franchises, family members and all others acting for and on their behalf are restrained from, directly or indirectly in any manner whatsoever, using, manufacturing, advertising, selling, offering for sale, marketing, etc. any domain name, website, commodity, product, service, packaging, advertising material including flyers and pamphlets, labels, stationery articles, mobile applications and email addresses, on third party platforms or any other documentation using, depicting, displaying in any manner whatsoever, the impugned marks and the impugned domain name or any other mark/ domain name which is identical with or deceptively similar to or containing the plaintiffs' marks in any manner or form whatsoever, including misspellings thereof containing any special characters and/or using additional letters or words along with the plaintiffs' marks or use the word 'Aggarwal'/ 'Agarwal' along with any other word(s) so as to suggest any association with the plaintiffs.

50. The defendant no.2 is directed to suspend the impugned domain name www.aggarwalmoverspackers.in and disclose the details of the persons operating the impugned domain name to the plaintiffs for the impugned activities.

51. The defendants no.3 and 4 are directed to block the telephone numbers 9888283748 and 7837376464 identified in the plaint and disclose the details of the persons operating the telephone numbers for the impugned activities.

52. The defendants no.5 to 7 are directed to issue notifications calling upon the internet service providers (ISPs) to block access to the impugned website operating under the impugned domain name www.aggarwalmoverspackers.in.



53. The defendant no.8 is directed to deactivate the UPI ID Aggarwalcargo2012-1@okicici / QR codes associated with the defendant no.1 and disclose the details of the persons operating the bank accounts for the impugned activities.

54. Compliance under Order XXXIX Rule 3 of the Code of Civil Procedure, 1908 shall be complied within one (1) week from today.

55. List before the Joint Registrar on 29th July, 2025 for completion of service and pleadings.

56. List before the Court on 25th September, 2025.

AMIT BANSAL, J

APRIL 9, 2025

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