$~O-69

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

\# **CNR No. DLHC010441022026**

\+ **CS(COMM) 1021/2026 and I.A. 25541, 25542/2026, 25543/2026, 25544/2026**

AGARWAL PACKERS AND MOVERS LTD & ANR.

.....Plaintiffs

Through: Mr. Chander M. Lall, Sr. Advocate with Ms. Nancy Roy, Mr. Prashant and Mr. Suraj, Advocates.

versus

AGARWAL PACKERS ANDMOVERS DELHI & ORS.

.....Defendants

Through: Mr. Rohith Venkatesan and Mr. Aditya Gupta, Advocates for D-72.

CORAM:
HON'BLE MR. JUSTICE PURUSHAINDRA KUMAR KAURAV

O R D E R

% 22.09.2026

I.A. 25545/2026 *(Extension of time to file Court fee)*

1. For the reasons stated in the application, the same stands allowed. Let the Court fee be paid by the plaintiffs within a period of one week from today.

2. The application stands disposed of.

I.A. 25546 and 25548/2026 *(Exemption)*

Exemptions allowed, subject to all just exceptions.

The applications stand disposed of.

I.A. 25547/2026 *(Exemption)*

1. Plaintiffs shall file legible/original/certified and clearer copies of the

This is a digitally signed order.
The authenticity of the order can be re-verified from Delhi High Court Order Portal by scanning the QR code shown above.
The Order is downloaded from the DHC Server on 25/09/2026 at 23:05:55

exempted documents, compliant with the applicable practice rules, before the next date of hearing.

2. The application for exemption is allowed, subject to the plaintiffs granting inspection of the documents filed, as and when required, or filing the original documents at the stage of admission/denial.

3. The application stands disposed of.

CS(COMM) 1021/2026

1. Heard learned senior counsel appearing on behalf of the plaintiffs.

2. Let the plaint be registered as a suit.

3. Issue summons. Learned counsel appearing on behalf of defendant no.72, accepts summons. He confirms receipt of the suit paperbook and waives the right of formal service of summons.

4. Written statement shall be filed by defendant no.72 within a period of thirty days commencing from today. Upon filing of process fee, issue summons to the remaining defendants by all permissible modes. Affidavit of service be filed within two weeks.

5. Summons shall state that the written statement(s) shall be filed by the defendants within 30 days from the date of receipt of summons. Along with the written statement(s), the defendants shall also file affidavit(s) of admission/denial of the documents of the plaintiff, without which the written statement(s) shall not be taken on record.

6. Liberty is given to the plaintiffs to file replication(s) within 15 days of the receipt of the written statement(s). Along with the replication(s), if any, filed by the plaintiffs, affidavit(s) of admission/denial of documents of the defendants, shall also be filed by the plaintiff, without which the replication(s) shall not be taken on record. If any of the parties wish to seek

This is a digitally signed order.
The authenticity of the order can be re-verified from Delhi High Court Order Portal by scanning the QR code shown above.
The Order is downloaded from the DHC Server on 25/09/2026 at 23:05:55

inspection of any documents, the same shall be sought and given within the timelines.

7. List before the Joint Registrar for marking of exhibits on 09.12.2026. It is made clear that any party unjustifiably denying documents would be liable to be burdened with costs.

8. Thereafter, list before the Court on the date to be fixed by the concerned Joint Registrar.

I.A. 25541/2026 *(u/O XXXIX Rules 1 and 2 r/w Section 151 CPC)*

1. This application is filed on behalf of the plaintiffs under Order XXXIX Rules 1 and 2 read with Section 151 CPC seeking grant of *ex parte* ad interim injunction.

2. Heard learned counsel appearing on behalf of the plaintiffs.

3. Issue notice.

4. Learned counsel appearing on behalf of defendant no.72 accepts notice.

5. On the plaintiffs taking necessary steps, let notice be issued to the remaining defendants by all permissible modes, returnable on the next date of hearing.

6. The case of the plaintiffs, as set out in the plaint, is that plaintiff no.1, Agarwal Packers and Movers Limited, is engaged in the business of providing packing, moving, relocation and allied services and has adopted and continuously used the trademark AGARWAL PACKERS & MOVERS. The plaintiffs assert that the said mark has acquired substantial goodwill and reputation and has been declared as a well-known trademark. The plaintiffs claim statutory and common law rights in the said mark and its formative marks.

This is a digitally signed order.
The authenticity of the order can be re-verified from Delhi High Court Order Portal by scanning the QR code shown above.
The Order is downloaded from the DHC Server on 25/09/2026 at 23:05:55

7. It is the case of the plaintiffs that defendant nos.1 to 70 and defendant no. 73 are third parties who have created and/or operated business listings on Google Search/Google Maps under the mark AGARWAL PACKERS & MOVERS and/or marks which are identical with or deceptively and confusingly similar thereto. It is alleged that several such listings use the plaintiffs' name, marks, logos, photographs and other indicia so as to represent an association with the plaintiffs and thereby mislead members of the public.

8. The plaintiffs have placed on record details of several such listings. In respect of a number of the listings, websites, telephone numbers and addresses have also been provided. The plaintiffs allege that the websites associated with several of these listings contain material which is misleading and infringes the plaintiffs' intellectual property rights. The plaintiffs have also placed reliance on instances where the registrant details of the associated domains are either masked or do not correspond with the identity/location represented in the concerned listing.

9. It is further the case of the plaintiffs that the infringing listings are not isolated instances but form part of a continuing and dynamic process. The plaintiffs state that, upon investigation, approximately 202 fake Google Business Profile listings were identified as on 27.01.2026, of which 6 listings were directly listed in the trade name "Agarwal Packers and Movers Limited". The Plaintiffs approached defendant nos. 71 and 72 seeking removal of the infringing listings. According to the plaintiffs, defendant nos.71 and 72 subsequently removed a substantial number of the listings but declined to take action against 72 of the 202 listings identified by the plaintiffs.

This is a digitally signed order.
The authenticity of the order can be re-verified from Delhi High Court Order Portal by scanning the QR code shown above.
The Order is downloaded from the DHC Server on 25/09/2026 at 23:05:55

10. It is also the case of the plaintiffs that, despite their subsequent communication clarifying their rights in the trademark, defendant nos. 71 and 72 required the plaintiffs to furnish a Court order before considering the request for removal of the remaining listings. The plaintiffs accordingly contend that continued availability of such listings on Google Search and Google Maps enables third parties to represent themselves as being connected with or affiliated to the plaintiffs.

11. Learned counsel appearing for the plaintiffs submits that the use of the plaintiffs registered trademark, or marks deceptively and confusingly similar thereto, by third parties providing identical or allied services constitutes infringement and passing off. It is submitted that the use of the plaintiffs' name and other identifying indicia on Google listings is likely to cause members of the public to believe that the concerned business is that of, or is associated with, the plaintiffs.

12. Learned counsel further submits that the plaintiffs have no means of identifying every infringing listing at any given point of time, as the listings on Google Business Profile and Google Maps are continuously created and modified. It is therefore submitted that the plaintiffs would be required to approach the Court repeatedly in respect of every subsequently discovered infringing listing unless appropriate directions are issued to defendant nos. 71 and 72 for removal of such listings upon identification and notification by the plaintiffs.

13. The plaintiffs also rely upon an earlier proceeding concerning misuse of their trademark through Google's AdWords programme, wherein directions were issued requiring investigation of complaints concerning use of the plaintiffs' trademark and removal/blocking of advertisements found to

This is a digitally signed order.
The authenticity of the order can be re-verified from Delhi High Court Order Portal by scanning the QR code shown above.
The Order is downloaded from the DHC Server on 25/09/2026 at 23:05:55

be infringing or passing off the plaintiffs' trademark. The plaintiffs, however, clarify that the present proceedings concern the misuse of the plaintiffs' marks through Google Business Profile and Maps listings.

14. The aforesaid rights of the plaintiffs have been recognised on multiple occasions by judicial pronouncements. Learned counsel has taken the Court through the judgment and decree dated 04.04.2013 passed in ***DRS Logistics (P) Ltd. Vs. Rajesh Agarwal & Anr.***[1] in CS(OS) 1131/2008 and submits that the said rights have continued to be recognised even thereafter and remain intact till date. It is submitted that the said position remains undisputed. Learned counsel further submits that, on five occasions, the plaintiffs have succeeded in obtaining recognition of the said rights either by way of interim orders or final judgments. Paragraphs 15 and 16 of the said decision are extracted hereinbelow:

> *"15. This Court is also of the opinion that there is enough material on record to show that the trade mark AGARWAL PACKERS & MOVERS is a well known trade mark in India. Accordingly, use of the plaintiffs mark by the defendants besides constituting infringement and passing off as well as unfair trade competition also amounts to dilution of the mark.*
> *16. Consequently, the defendants, their partners, officers, employees, agents, distributors, franchisees, representatives and assigns are restrained by way of permanent injunction from using AGARWAL and/or AGARWAL's PACKER and/or AGARWAL's PACKER & MOVERS or any other trade mark or name similar to the plaintiffs registered trade mark AGARWAL PACKERS & MOVERS or any other trade mark either as a trade mark or part of the trade mark, trade name or corporate name or as part of a trade or corporate name or in any other manner whatsoever so as to infringe the registered trade marks of the plaintiff or to pass off their services or business as and for the services or business of the plaintiff or from using any other indicia whatsoever to show any association or affiliation or connection of the defendants or their services with the plaintiff or its services.*
> *Registry is directed to prepare decree sheet accordingly."*

[1] 2013 SCC OnLine Del 1299

This is a digitally signed order.
The authenticity of the order can be re-verified from Delhi High Court Order Portal by scanning the QR code shown above.
The Order is downloaded from the DHC Server on 25/09/2026 at 23:05:55

15. Learned counsel has also taken the Court through paragraph 28 of the plaint, which is extracted hereinbelow:

> *"28. In addition to the above, the Plaintiffs have filed several suits against third-parties for violation of their intellectual property rights. Details of the same are given below:*
>
> *a) DRS Logistics (P) Ltd & Anr. v. Sandeep Chohan alias Sandeep Kumar & Ors., bearing no. CS(COMM) 109/2016. Copy of order dated 15.09.2017 is being filed in the present proceedings.*
>
> *b) M/s DRS Logistics (P) Ltd. & Mis Agarwal Packers and Movers Ltd. v. PRS Agarwal Packers & Movers Pvt. Ltd. & Ors. CS (OS) 335/2014. Copy of order dated 05.02.2014 is being filed in the present proceedings.*
>
> *c) Agarwal Packers and Movers Pvt Ltd & Anr v. Sumit Aggarwal & Ors. bearing case No. CS (COMM.) 679 of 2018. Copy of order dated 23.03.2018 is being filed in the present proceedings.*
>
> *d) Agarwal Packers and Movers Ltd. and Ors. v. Agarwal Packers and Movers and Ors. bearing no. CS (COMM)/337/2025. Copy of order dated 09.04.2025 is being filed in the present proceedings.*
>
> *e) Agarwal Packers and Movers Ltd. and Ors. v. AGGARWAL CARGO PACKERS AND MOVERS AND ORS bearing no. CS (COMM)/338/2025. Copy of order dated 09.04.2025 is being filed in the present proceedings."*

16. Having heard learned counsel for the plaintiffs and perused the material placed on record, this Court is of the view that the plaintiffs have made out a *prima facie* case for grant of interim protection. The plaintiffs have placed on record material in support of their rights in the trademark AGARWAL PACKERS & MOVERS and have relied upon several judicial pronouncements recognising their rights in the said trademark, including the judgment and decree dated 04.04.2013 passed in ***DRS Logistics (P) Ltd. v. Rajesh Agarwal & Anr***. (supra).

17. The plaintiffs have also placed material on record to establish that the trademark AGARWAL PACKERS & MOVERS has acquired substantial goodwill and reputation and has been recognised as a well-known trademark in India. The aforesaid recognition of the plaintiffs' rights assumes

This is a digitally signed order.
The authenticity of the order can be re-verified from Delhi High Court Order Portal by scanning the QR code shown above.
The Order is downloaded from the DHC Server on 25/09/2026 at 23:05:55

significance in considering the present allegations of unauthorised use of the said trademark and marks deceptively similar thereto.

18. *Prima facie*, the use of the plaintiffs' trademark, name, logo and other identifying indicia by third parties in business listings, particularly in relation to the same or allied services, is capable of causing confusion and deception amongst members of the public. A consumer seeking packing, moving or relocation services may reasonably believe, on the basis of such listings, that the concerned service provider is the plaintiffs or is associated, affiliated or otherwise connected with the plaintiffs.

19. The Court also finds that the plaintiffs have placed material in respect of a substantial number of such listings appearing on Google Search and Google Maps. Several of the impugned listings are alleged to use the plaintiffs' trademark, logo, photographs and other indicia and to represent themselves as being connected with the plaintiffs. The continued use of the plaintiffs' trademark in such a manner is likely to prejudice the plaintiffs' goodwill and reputation and, particularly in view of the recognised rights of the plaintiffs in the said trademark, warrants protection against such unauthorised use.

20. The Court is, therefore, of the *prima facie* view that infringement of the plaintiffs' trademark AGARWAL PACKERS & MOVERS, or its deceptive use by any other name or mark in a manner calculated to represent an association with the plaintiffs, would prejudice the recognised rights of the plaintiffs. The plaintiffs have accordingly established a *prima facie* case in their favour.

21. The balance of convenience also lies in favour of the plaintiffs. If the impugned listings are permitted to continue, the plaintiffs may suffer

This is a digitally signed order.
The authenticity of the order can be re-verified from Delhi High Court Order Portal by scanning the QR code shown above.
The Order is downloaded from the DHC Server on 25/09/2026 at 23:05:55

continuing prejudice to their trademark, goodwill and reputation. On the other hand, no legitimate prejudice would be caused to a person having no right to use the plaintiffs' trademark if such unauthorised use is restrained.

22. The injury apprehended by the plaintiffs is also not capable of being adequately compensated merely in monetary terms. Continued use of the plaintiffs' trademark by unauthorised third parties may result not only in diversion of potential customers but also in the plaintiffs being associated with services or conduct with which they have no connection. The requirement of irreparable injury is, therefore, also satisfied.

23. In view of the aforesaid discussion, the plaintiffs are entitled to interim protection. Accordingly, the Court deems it appropriate to injunct defendant nos. 1 to 70 in the following terms: -

(i) Defendant nos. 1 to 70 are restrained from using the trademark AGARWAL PACKERS & MOVERS, AGARWAL, AGGARWAL PACKERS & MOVERS, or any other trademark, trade name, business name or designation which is identical with or deceptively or confusingly similar to the plaintiffs' trademark AGARWAL PACKERS & MOVERS, whether as a trademark, trade name, corporate name, part thereof, keyword, meta tag or in any other manner whatsoever, so as to infringe the plaintiffs' rights therein;

(ii) Defendant nos. 1 to 70 are restrained from advertising, promoting, offering or providing their services or business under AGARWAL PACKERS & MOVERS, AGARWAL, AGGARWAL PACKERS & MOVERS, or any other trademark, trade name or designation identical with or deceptively or confusingly similar to the plaintiffs' trademark, including through business listings, profiles or pages on

This is a digitally signed order.
The authenticity of the order can be re-verified from Delhi High Court Order Portal by scanning the QR code shown above.
The Order is downloaded from the DHC Server on 25/09/2026 at 23:05:55

Google Search and/or Google Business Profile, so as to pass off their services or business as those of the plaintiffs;

(iii) Defendant Nos. 1 to 70 are restrained from using any other name, logo, photograph, representation or other indicia so as to represent or suggest any association, affiliation or connection with the plaintiffs or their services;

(iv) Defendant Nos. 1 to 70 are directed to remove and/or disable, to the extent within their control, all references, business listings, profiles, pages, accounts and/or other online content which use AGARWAL PACKERS & MOVERS or any identical or deceptively or confusingly similar trademark, trade name or designation, or which otherwise represent or suggest an association or affiliation with the plaintiffs;

(v) Defendant Nos. 1 to 70 shall not create, operate or maintain any business listing, profile, page, account, website or other online presence which uses the plaintiffs' trademark or otherwise represents or suggests an association or affiliation with the plaintiffs;

(vi) Defendant No. 72 is directed to remove and/or disable the Google Search/Google Business Profile listings identified by the plaintiffs in the present proceedings, insofar as the said listings use AGARWAL PACKERS & MOVERS or any identical or deceptively or confusingly similar trademark, trade name or designation, or otherwise represent or suggest an association or affiliation with the plaintiffs.

(vii) Insofar as the listings appearing on Google Maps are concerned, no final direction is being issued at this stage. The issue is kept open

This is a digitally signed order.
The authenticity of the order can be re-verified from Delhi High Court Order Portal by scanning the QR code shown above.
The Order is downloaded from the DHC Server on 25/09/2026 at 23:05:55

for consideration upon defendant no.72 placing on record its response, after taking appropriate instructions, with regard to the steps which can be taken in respect of such listings.

24. Insofar as the prayer seeking a dynamic injunction in respect of subsequently identified infringing listings is concerned, at this stage, no final direction is being issued. Plaintiffs shall, in case they come across any subsequently identified use of the trademark AGARWAL PACKERS & MOVERS or any deceptively or confusingly similar mark in a business listing, profile, page, account or other online content, furnish specific particulars thereof to defendant no.72, which shall deal with the same in accordance with its applicable policy and the directions that may be passed by this Court.

25. Defendant No. 72 shall file its reply to the prayer seeking dynamic injunction, after taking appropriate instructions, before the next date of hearing.

26. The plaintiffs shall comply with the provisions of Order XXXIX Rule 3 CPC within a period of two weeks from today.

27. List on 29.01.2027.

PURUSHAINDRA KUMAR KAURAV, J

SEPTEMBER 22, 2026
Nc/Sa

This is a digitally signed order.
The authenticity of the order can be re-verified from Delhi High Court Order Portal by scanning the QR code shown above.
The Order is downloaded from the DHC Server on 25/09/2026 at 23:05:55