IN THE COURT OF SH. RAJ KUMAR TRIPATHI
DISTRICT JUDGE (COMMERCIAL COURTS)-05
WEST DISTRICT, TIS HAZARI COURTS, DELHI

CS (COMM) No.11/2025
Shriram Pistons And Rings Ltd. v. Suneel Kumar @ Jokhu Sah
CNR No. DLWT01-000017-2025

Shriram Pistons And Rings Ltd.
Through its AR
Sh. Rattan Pal Singh S/o Late Sh. Heera Lal Singh

Office at
3rd Floor, Himalaya House,
23, Kasturba Gandhi Marg,
New Delhi-110 001.

.....Plaintiff
Through:-Ms. Chandra Prabha Singh along with
Mr. Ravi Chauhan, Advocates

Versus

Suneel Kumar @ Jokhu Sah,
Building No.50/17-18, Gali No. 1,
Anand Parbat Industrial Area,
Delhi-110 005.

.....Defendant
(*Ex parte*)

Date of filing suit	: 03.01.2025
Arguments heard on	: 09.09.2026
Date of Judgment	: 14.10.2026

JUDGMENT

1. Plaintiff has filed the present suit *inter alia* praying for a decree of perpetual injunction, restraining the defendant, their

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agents, representatives etc. from infringement of trademarks, copyrights, passing off, delivery up etc.

Factual matrix of the case

2. Plaintiff is engaged in the business of manufacturing and marketing of engine components such as pistons, piston pins, piston rings and circlips (since the year 1972) and engine valves and engine valve components (since the year 1993) and trading of parts of motor land vehicles including clutch plates, differential gears and cylinder liners. Plaintiff is renowned for its commitment to sustainable technology and deploys the most modern manufacturing equipments and processes, state of art technology from four global leaders and its products are marketed to OEMs and the aftermarket under the brands SPR and USHA.

3. Plaintiff claims to be the second largest exporter of engine valves and engine components and largest exporters of pistons, piston pins, piston rings for last many years and its brand SPR and USHA are among the best recognized brand names in the global market and plaintiff has a long list of its clients.

4. The plaintiff company has honestly and bonafidely adopted the trademark SHRIRAM in respect of parts for motor land vehicles, including clutch plates, differential gears and cylinder liners etc in the year 1984 and this trade mark was registered under number 426691 in class 12 for the said goods and its SPR trademark is registered under number 585339 in class 12 of goods and the same is being used since 1992 and another trademark SPR is registered under number 585340B. The plaintiff is the registered proprietor of trademark USHA under no. 316156 in class 2 and registered owner of word, marks and labels/devices

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and has obtained various registrations with respect to SHRIRAM, SPR and USHA.

5. The plaintiff is the owner of the copyright in the artistic work of the label SPR. USHA AND SHRIRAM and no other person/firm/company has any right to use the said trademarks in respect of the said goods without its permission as the same are recognized among the public and members of the trade. Plaintiff claims to have spent substantial amounts on publicity of its goods under the said trade marks/labels and the packaging and trademarks/trade dress with its essential ingredients/depictions, colours and designs exclusively denote products of the plaintiff and no one else. Plaintiff claims to be the sole owner/proprietor of the said trademarks/label/trade dress/design/packing/colours.

6. In the last week of November 2024, plaintiff through its sources received information about certain individuals, who are manufacturing and/or selling counterfeit/duplicate products, specifically clutch plates and valves under the aforesaid trade marks of plaintiff from building no. 50/17-18, Gali no.1, Anand Parbat Industrial Area, Delhi. Accordingly, Mr.Rattan Pal Singh, representative of plaintiff visited the aforesaid address and found that Mr. Suneel Kumar (defendant) was selling the infringed goods. The representative of plaintiff also purchased one piece each of valve and clutch plate from defendant which on testing were found to be duplicate.

7. The said products were found affixed with counterfeit hologram labels and bar codes on the packaging of the clutch plate and the valves respectively. The defendant informed the representative that the plaintiff company is clearing the old

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stock that is why the goods are offered at cheap rates and defendant has also used the plaintiff's trademark SHRIRAM PISTONS & RINGS LIMITED which is identical to the plaintiff's registered trademark SHRIRAM.

8. Plaintiff avers that defendant is using deceptively similar packaging with the intent to mislead the general public and make illegal profits which is harmful to the general public as the substandard products poses serious risks to the lives of the individuals, including potential accidents and malfunctioning in vehicles and at the same time, it is detrimental to the goodwill and reputation of the plaintiff company as the defendant's action is causing confusion among the consumers. The comparison of plaintiff's and defendant's packaging has been shown on page no.37 & 38 of the plaint.

9. It is submitted that the public at large can be misled easily on barely looking at the packaging as there is similarity of trademarks/labels/packaging/copyright. It is further submitted that goods of plaintiff bearing the trademark/label/packaging/copyright dominates the market and the consumers, traders, distributors and trade channels recognize the plaintiff's said goods with the trademark/label/packaging/copyright depicted in the suit and defendant dishonestly adopted the same being aware of the goodwill and reputation of plaintiff trademark "SPR, USHA and SHRIRAM".

10. The products of plaintiff and that of defendant are creating a higher degree of confusion amongst the purchasers. Defendant is attempting to establish a trade connection with plaintiff through such unlawful activities in the minds of

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purchasers with average intelligence and imperfect recollection. Such a confusion/deception is likely to cause harm to the purchasers due to lower quality of impugned goods of defendant and due to his unlawful activities, plaintiff is suffering huge losses both in business and reputation.

11. Plaintiff alleges that defendant is not the lawful adopter of impugned trademarks/labels/packaging/copyright and has no right to adopt or use the same. It is further submitted that defendant is carrying out the illegal activities of selling the impugned product within the jurisdiction of this Court. It is further submitted that there is every likelihood of confusion and deception as any person coming across the said products being manufactured and sold by defendant may easily take it as a product of the plaintiff's company.

12. It is submitted that plaintiff did not authorize defendant for manufacturing, distribution and selling their products 'SPR, USHA, SHRIRAM' and defendant is doing the same without having any authority and he copied the registered trademark/label. Hence, the present suit.

Service to defendant

13. Pursuant to service of summons, defendant appeared in the Court on 20.08.2025. He expressed his willingness to make efforts to settle the matter through mediation. Accordingly, on request of parties, the matter was referred for mediation.

14. On 10.09.2025, it was reported to the Court that matter could not be settled as defendant did not turn up to participate in the mediation process. Accordingly, the matter was received back unsettled.

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15. The defendant did not file written statement to the suit within stipulated time. He also stopped appearing in the matter. Accordingly, he was directed to be proceeded *ex parte* *vide* order dated 12.11.2025.

Plaintiff evidence

16. In support of its case, plaintiff examined its AR Mr. Rattan Pal Singh as PW1, who corroborated the facts set out in the plaint in his evidence by way of affidavit, Ex.PW1/A and additional evidence affidavit, Ex.PW1/B. He relied upon the following documents:-

S.No.	Details of document	Exhibit Mark
1.	Letter of Authority	Ex.PW1/1
2.	GST Registration Certificate	Ex.PW1/2
3.	Registration Certificate of Trademark No. 426691 in Class-12	Ex.PW1/3
4.	LPC for the Trademark No. 426691 in Class-12	Ex.PW1/4
5.	Status page of the Trademark No. 426691 in Class-12	Ex.PW1/5
6.	Registration Certificate of Trademark No. 585339 in Class-12	Mark A
7.	LPC for the Trademark No.585339 in Class-12	Mark B
8.	Status page of the Trademark No.585339 in Class-12	Ex.PW1/8
9.	Registration Certificate of Trademark No.316156 in Class-12	Mark C
10.	Status page of the Trademark No.316156 in Class-12	Ex.PW1/10
11.	Copyright Certificate under number A-14620/1975	Mark D
12.	Report of the Local Commissioner	Ex.PW1/12
13.	Affidavit under Order XI Rule 6 Sub-rule 3 of The Commercial Courts Act	Ex.PW1/13
14.	Certificate u/s 63 (4) (c) of The Bhartiya Sakshya Adhiniyam, 2023	Ex.PW1/14
15.	Certified Legal Proceeding Certificate pertaining to Trademark Application No.585339	Ex.PW1/B1
16.	Certified Legal Proceeding Certificate pertaining to Trademark Application No.316156	Ex.PW1/B2

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17. Mr. Attijeet, a record clerk at the office of The Registrar of Copyrights, Boudhik Sampada Bhawan, Sector-14, Dwarka, New Delhi-78 was also examined as PW3, who produced the certified copy of Registration Certificate of Copyrights of USHA bearing registration no. A-14620/75 and proved the same as Ex.PW3/1.

Findings and observations

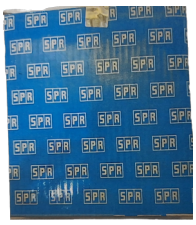
18. I have heard and considered the submissions advanced by learned counsel of plaintiff and perused the material on record.

19. PW1 Sh. Rattan Pal Singh in his affidavit of evidence, Ex.PW1/A, and additional evidence affidavit, Ex.PW1/B has deposed and corroborated the facts as mentioned in the plaint. He has proved the documents as mentioned in para no.16 of the judgment.

20. Plaintiff claims to have copyrights, and trademarks of SPR, USHA and SHRIRAM. The same is supported by registration certificate of trademark no. 426691 in Class-12, Ex.PW1/3, LPC for the trademark no. 426691 in Class-12, Ex.PW1/4, Status page of the trademark no. 426691 in Class-12, Ex.PW1/5, Status page of the trademark no.585339 in Class-12, Ex.PW1/8, Status page of the trademark no.316156 in Class-12, Ex.PW1/10 and Certificate of Copyrights of USHA bearing registration no.A-14620/75. PW1 has deposed that defendant has infringed plaintiff's trademark and copyright. The comparison of plaintiff's and defendant's marks/labels as well as products are as under:-

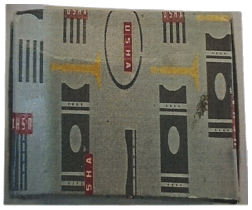
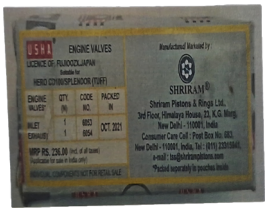
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Marks on the goods of Plaintiff	Marks on the goods of Defendant
	
	
	
Plaintiff packaging	Defendant packaging
	
	

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21. The comparison is to be made from the standpoint of an average consumer with imperfect recollection and by considering the marks and trade dress as a whole, rather than by dissecting them into minute individual differences. A mark is deceptively similar where it so nearly resembles another mark as to be likely to deceive or cause confusion within the meaning of Section 2(1)(h) of the Trade Marks Act, 1999. For comparing the artistic work under the Copyrights Act, Hon'ble High Court of Delhi in ***Bombay Metals Pvt. Ltd. v. Tara Singh & Anr.*** **2026:DHC:2595** has stated that tenets of comparison are similar to ones applied to determine deceptively similar goods.

Comparison of Marks/ Work

22. In respect of the "SHRI RAM" mark, both parties use the identical word element "SHRI RAM" in prominent capital letters. More significantly, the word element is used in conjunction with a circular device placed immediately above it. The plaintiff's device consists of a circular emblem containing a

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floral/geometrical arrangement, and the defendant has adopted a substantially similar circular emblem with a comparable internal floral/geometrical appearance. The essential arrangement of device above the words "SHRI RAM", the bold lettering, the overall placement and the visual composition are substantially the same. The change in colour or the addition of the ® symbol by the defendant does not materially alter the overall commercial impression created by the impugned mark.

23. The comparison between the "SPR" marks reveals a particularly close resemblance. Both marks use the identical letters "SPR" in a three-panel format, with each letter placed in a separate adjoining box. Both marks use a dark blue background, light-coloured block lettering, a rectangular outer border and substantially similar framing. The similarity is not confined to the letters "SPR"; it extends to the particular artistic and graphical presentation of those letters. The defendant has adopted the same sequence, panel arrangement, colour field, letter size and overall rectangular composition. The marks, when viewed as a whole, convey a substantially identical visual impression.

24. The defendant's adoption of the word "USHA" is relevant not only because the verbal element is identical, but because it is accompanied by a substantially identical manner of representation. An ordinary purchaser is unlikely to engage in a side-by-side comparison or notice minor differences in font or layout. The relevant question is whether, upon seeing the defendant's mark in the market, such purchaser may believe that the goods have some trade connection with the plaintiff. On the visual material produced, the defendant's mark is capable of creating such an association.

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25. The packaging comparison further indicates adoption of the plaintiff's distinctive trade dress. The plaintiff's packaging is predominantly blue and carries a repeated all-over pattern of the "SPR" device. The defendant's package also uses a substantially similar blue background and a repetitive "SPR" pattern spread across the surface of the packaging. The repetition of the mark, the colour scheme, the layout and the overall visual presentation appear to reproduce the plaintiff's essential packaging features. The common blue ground combined with the repeated SPR devices is likely to be a significant source-identifying feature of the plaintiff's goods.

26. The dominant front-facing get-up is substantially similar. Consumers commonly identify goods from the front appearance, colour combination, logo pattern and overall get-up of the package. Further, it is claimed that both plaintiff and defendant deal in automotive spare parts. Therefore, the customers are likely to be confused between the goods of the plaintiff and that of the defendant.

27. In the present case, the plaintiff's unrebutted evidence establishes that the defendant has used the impugned marks in the course of trade without any licence, consent, authority or other legal entitlement from the plaintiff. The defendant has neither contested the plaintiff's statutory registrations and copyright claims nor shown that it is a registered proprietor or a permitted user of the impugned marks.

28. The use of the impugned marks in relation to automotive spare parts, being goods identical or similar to those for which the plaintiff's marks are registered, falls within Section 29 (1) and Section 29 (2)(b) of The Trade Marks Act, 1999. The

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similarity between the competing marks and the identity/similarity of the goods are such as to create a likelihood of confusion or association amongst the relevant purchasing public. The defendant's use, therefore, constitutes infringement of plaintiff's registered trademarks.

29. Moreover, to the extent the defendant has used identical marks in respect of identical goods, Section 29 (3) of The Trade Marks Act, 1999 is attracted, and the likelihood of confusion on the part of the public is presumed. The defendant has led no evidence to displace that statutory consequence.

30. The plaintiff has also established its ownership in the artistic works embodied in the concerned labels and packaging. The defendant has reproduced substantial and material features of those artistic works without licence or authority. Such unauthorised reproduction of the plaintiff's artistic works infringes the exclusive rights vested in the plaintiff under Section 14(c) of The Copyright Act, 1957 and constitutes infringement within the meaning of Section 51(a)(i) thereof.

31. The defendant's conduct also amounts to passing off. The use of the impugned marks and trade dress is calculated to misrepresent a trade connection between the parties and to enable the defendant to derive benefit from the goodwill associated with the plaintiff's goods. Such conduct is likely to cause damage to the plaintiff's business, goodwill and reputation, particularly having regard to the allegations that the impugned goods are counterfeit and inferior in quality.

32. Accordingly, the plaintiff is entitled to a decree of permanent injunction restraining the defendant, its agents, representatives, distributors, dealers and all other persons acting

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on its behalf from manufacturing, selling, offering for sale, advertising, displaying, stocking, distributing or otherwise dealing in goods bearing the plaintiff's trademarks, copyright artistic works, labels, packaging or any mark, artistic work, trade dress or get-up that is identical with or deceptively similar thereto.

33. Plaintiff has claimed damages amounting to Rs.10,00,000/- in the present case. The law distinguishes between a first-time innocent infringer and a first-time knowing infringer. As held in ***Koninlijke Philips NV v. Amazestore, 2019*** **SCC OnLine Del 8198**, a first-time innocent infringer is ordinarily liable only to an injunction, whereas a first-time knowing infringer is liable to an injunction and partial costs.

34. The burden to establish that the infringement was innocent and in good faith lies on the defendant, as expressly provided under the proviso to Section 55 (1) of The Copyright Act, which states that the defendant must prove lack of awareness and absence of reasonable ground to believe that copyright subsisted. In the present *ex parte* proceedings, the defendant has adduced no evidence and filed no written statement to discharge this burden. Accordingly, this Court cannot treat the infringement as innocent or limit the relief to an injunction alone; therefore, defendant falls in the category of first-time knowing infringers, warranting injunction and costs, but not full compensatory damages. Therefore, plaintiff is entitled to damages amounting to Rs.1,00,000/- apart from the cost of the suit.

35. It is observed that the defendant in the present suit works for gain at Anand Parbat Industrial Area, which falls within the jurisdiction of this Court. Thus, this Court has territorial

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jurisdiction to entertain, try and adjudicate upon the dispute between the parties.

36. The subject matter of the present suit is a commercial dispute as defined in section 2 (1) (c) of The Commercial Courts Act, 2015. Thus, this Court is competent to entertain and decide the *lis* between the parties.

37. In view of foregoing reasons and discussions, I am of the view that on the basis of averments made in the plaint and the documents proved on record, plaintiff has succeeded to prove its case. Accordingly, the suit filed by plaintiff decreed with cost. A decree, in terms of prayer clause 44 (I) to (V) is passed in favour of plaintiff and against the defendant. Defendant is also directed to pay Rs.1,00,000/- as damages to plaintiff.

38. Decree sheet be prepared accordingly.

39. **File be consigned to record room.**

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Announced in the open Court
on 14th October, 2026

(Raj Kumar Tripathi)
District Judge (Commercial Court-05)
West District, Tis Hazari Courts, Delhi

FORM 'A'

(CIVIL CASES)

LIST OF WITNESSES

S.No.	Name of Witness	Whether witness of plaintiff or defendant
1.	Sh. Rattan Pal Singh	Plaintiff's witness (PW1)
2.	Sh. Attijeet	Plaintiff's witness (PW3)

LIST OF DOCUMENTS

S.No.	Exhibit/Mark	Date of Exhibit	Description of Exhibit
1.	Ex.PW1/1	09.03.2026	Letter of Authority
2.	Ex.PW1/2	09.03.2026	GST Registration Certificate
3.	Ex.PW1/3	09.03.2026	Registration Certificate of Trademark No. 426691 in Class-12
4.	Ex.PW1/4	09.03.2026	LPC for the Trademark No.426691 in Class-12
5.	Ex.PW1/5	09.03.2026	Status page of the Trademark No.426691 in Class-12
6.	Mark A	09.03.2026	Registration Certificate of Trademark No. 585339 in Class-12
7.	Mark B	09.03.2026	LPC for the Trademark No.585339 in Class-12
8.	Ex.PW1/8	09.03.2026	Status page of the Trademark No.585339 in Class-12
9	Mark C	09.03.2026	Registration Certificate of Trademark No.316156 in Class-12
10.	Ex.PW1/10	09.03.2026	Status page of the Trademark No.316156 in Class-12
11.	Mark D	09.03.2026	Copyright Certificate under number A-14620/1975

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12.	**Ex.PW1/12**	09.03.2026	Report of the Local Commissioner
13.	**Ex.PW1/13**	09.03.2026	Affidavit under Order XI Rule 6 Sub-rule 3 of The Commercial Courts Act
14.	**Ex.PW1/14**	09.03.2026	Certificate u/s 63 (4) (c) of The Bhartiya Sakshya Adhiniyam, 2023
15.	**Ex.PW1/B1**	20.05.2026	Certified Legal Proceeding Certificate pertaining to Trademark Application No.585339
16.	**Ex.PW1/B2**	20.05.2026	Certified Legal Proceeding Certificate pertaining to Trademark Application No.316156

S.No.	Exhibit/ Mark	Date of Exhibit	Description of Exhibit
1.	**Ex.PW3/1**	08.04.2026	Registration Certificate of copyrights of USHA bearing Registration Number A-14620/75

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(Raj Kumar Tripathi)
District Judge (Commercial Court-05)
West District, Tis Hazari Courts, Delhi