



Delhi High Court passes summary judgment in trademark suit

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Delhi High Court exercising jurisdiction under the Commercial Courts Act grants summary judgment in suit for counterfeiting and passing off of trademark. Ahuja Radios, a leading manufacturer and seller of audio equipment under the registered AHUJA mark since 1940, filed a suit against the defendant for selling counterfeit products under its mark. The court restrained the defendant from selling audio equipment using the AHUJA or other deceptively similar mark and ordered a local commissioner to inspect his premises. The commission resulted in seizure of a number of products bearing the AHUJA mark, which the defendant admitted to as not being original. However, in pleadings subsequently, the defendant claimed not to have knowledge of the products found during the commission and made claims contrary to his initial statements. The court noted that "the defendant has no real prospect of resisting the decree of injunction sought by the plaintiff... the defendant also has little prospect of succeeding in its defence that he was not dealing in the counterfeit products." On the basis of the admissions of fact by the defendant, the court passed a decree for permanent injunction in a summary disposal of the suit. Courts are increasingly exercising their powers of summary judgment under the Commercial Courts, Commercial Division and Commercial Appellate Division of High Courts Act 2015 to decide matters with foregone conclusions, or ones frivolously contested, resulting in [efficient and expedited disposal of straightforward counterfeiting cases](#). *Ahuja Radios v A Karim; before Delhi High Court; order dated 1.05.2017* [Other instances](#) where the the Delhi High Court made use of the summary judgment provisions. The Commercial Courts legislation lays the framework for a [better court for business](#). Legislative and judicial changes are aimed at a [more streamlined justice system](#) and and are bound to [put India on the map for its efforts to encourage business](#).



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