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NC: 2026:KHC:31644-DB  
COMAP No. 302 of 2026

**IN THE HIGH COURT OF KARNATAKA AT BENGALURU**

**DATED THIS THE 25<sup>TH</sup> DAY OF JUNE, 2026**

**PRESENT**

**THE HON'BLE MR. VIBHU BAKHRU, CHIEF JUSTICE**

**AND**

**THE HON'BLE MRS. JUSTICE K.S. HEMALEKHA**

**COMMERCIAL APPEAL NO. 302 OF 2026**

**BETWEEN:**

1. M/S. BURNT TOAST  
A RETAIL STORE OPERATED BY TRENT  
LIMITED AT MM COMPLEX  
NO. 23, 100 FEET RING ROAD  
BANASHANKARI, BANGALURU  
KARNATAKA - 560 085
2. TRENT LIMITED  
A COMPANY INCORPORATED UNDER  
THE COMPANIES ACT, 1913  
HAVING ITS REGISTERED OFFICE AT  
BOMBAY HOUSE, 24, HOMI MODY STREET  
FORT, MUMBAI - 400 001  
REPRESENTED BY ITS  
AUTHORIZED SIGNATORY  
SANKET DIGHE

...APPELLANTS

(BY SRI SIVARAMAN VAIDYANATHAN, ADVOCATE  
SRI HEMANTH M., ADVOCATE,  
MS. KOENA RAYAL, ADVOCATE &  
SRI SHUBHAM SINGH, ADVOCATE)

**AND:**

1. MS. RIDDHI BISANI  
PROPRIETRESS  
TRADING AS M/S. THE BURNT TOAST





HAVING OFFICE AT 3362/W  
AF BLOCK, 8<sup>TH</sup> STREET  
11<sup>TH</sup> MAIN ROAD, ANNA NAGAR  
CHENNAI - 600 040  
TAMIL NADU

...RESPONDENT

(BY SRI SURYA SENTHIL, ADVOCATE FOR  
SRI VIKHAR AHMED B., ADVOCATE)

THIS COMMERCIAL APPEAL IS FILED UNDER SECTION 13(1A) OF COMMERCIAL COURT ACT, 2015 PRAYING TO ALLOW THE PRESENT APPEAL AND SET ASIDE THE ORDER DATED 03.06.2026 PASSED BY THE LEARNED LXXXIV ADDITIONAL CITY CIVIL AND SESSIONS JUDGE (COMMERCIAL COURT) BENGALURU IN I.A.NO.1 AND I.A NO.2 IN COM.OS.NO.830/2026 PRODUCED AT ANNEXURE A & ETC.

THIS APPEAL, COMING ON FOR ORDERS, THIS DAY, JUDGMENT WAS DELIVERED THEREIN AS UNDER:

CORAM: HON'BLE MR. VIBHU BAKHRU, CHIEF JUSTICE  
and  
HON'BLE MRS. JUSTICE K.S. HEMALEKHA

**ORAL JUDGMENT**

(PER: HON'BLE MR. VIBHU BAKHRU, CHIEF JUSTICE)

1. Office objections are overruled.
2. The appellant has filed the present appeal impugning an *ad interim* order dated 03.06.2026 [**impugned order**] passed by the learned LXXXIV Additional City Civil and Sessions Judge, Bengaluru [**Commercial Court**] on I.A Nos.1 and 2 in Com.O.S No.830/2026.



3. I.A No.1 was filed seeking dispensation with the requirement of the pre-institution mediation under Section 12A of the Commercial Courts Act, 2015. On 11.06.2026, this Court had observed that there was no requirement for the respondent (plaintiff) to file the application, as an urgent interim order was sought for. Notice in the present appeal was confined to the impugned order insofar as it relates to I.A No.2 (an application under Order XXXIX Rules 1 and 2 read with Section 151 of the Code of Civil Procedure, 1908).

4. The learned Commercial Court had passed an *ex parte* temporary injunction restraining the appellant from using the trademark "Burnt Toast" in relation to clothing and apparels through online and offline modes till the next date of hearing, which is now scheduled on 29.06.2026.

5. A plain reading of the impugned order indicates that it proceeds on an erroneous assumption that the respondent (plaintiff) was a proprietor of a registered trademark "Burnt Toast". Concededly, the said trade mark was not registered in favour of the respondent. The respondent's case is essentially premised on 'passing off' in trademark law.



6. The learned counsel appearing for the parties state that the impugned order be set aside and the parties be relegated to advance their submissions on merits of I.A No.2 before the learned Commercial Court.

7. Considering that the impugned order is an *ad interim* order and there is no dispute that it proceeds on an erroneous assumption, we allow the present appeal and set aside the impugned order.

8. However, we clarify that all rights and contentions of the parties in regard to the said application (I.A No.2 in Com.O.S No.830/2026) are reserved and the learned Commercial Court shall dispose of the said application after hearing the parties.

**Sd/-  
(VIBHU BAKHRU)  
CHIEF JUSTICE**

**Sd/-  
(K.S. HEMALEKHA)  
JUDGE**