

Item No. 5
CS (COMM) 189/26
NIKE INNOVATE C.V Vs. ASHOK KUMAR

17.02.2026

Present: Ms. Jahanvi Sharma, Ld. counsel for plaintiff.

There are six applications filed alongwith the plaint, *first* under Section 12-A of the Commercial Courts Act, 2015 seeking exemption from pre-institution mediation, *second* under Section 151 of CPC seeking exemption from filing original documents, *third* under Order XI Rule 1(4) CPC read with Section 151 CPC seeking leave to file additional documents, *fourth* under Order XXXIX Rule 1 and 2 CPC, *fifth* under Order XXVI Rule 9 of CPC read with Section 135 of Trademarks Act, 1999 for appointment of Local Commissioner and *sixth* under Section 151 CPC for directions.

ORDER (Oral) :

1. Heard. Perused the record.

IA No. 06/2026 (application under Section 12-A of the Commercial Courts Act, 2015 seeking exemption from pre-institution mediation)

2. In view of the settled law laid down by Hon'ble Apex Court in **Yamini Manohar Vs. T.K.D. Keerthi (2024) 5 SCC 815**, **M/s Dhanbad Fuels Pvt. Ltd. Vs. Union of India & Anr., 2025 INSC 696** and a recent judgment of Hon'ble Apex Court titled as **Novenco Building and Industry A/S Vs. Xero Energy Engineering Solutions Private Ltd. and Ors. MANU/SC/1449/2025: 2025 INSC 1256**, since the plaintiff has sought an injunction against a continuing infringement by the defendant(s), the application is **allowed**. The plaintiff is exempted from the mandatory process of pre-institution mediation.

IA No. 03/2026 (application under Section 151 of CPC seeking exemption from filing original documents)

3. The application is **allowed**, subject to just exceptions. Let the original documents be brought during the course of trial or as and when directed by the Court. The application stands **disposed of** in aforesaid terms.

IA No. 04/2026 (application under Order XI Rule 1(4) CPC read with Section 151 CPC seeking leave to file additional documents)

4. Since the suit has been filed seeking an urgent relief, the application is allowed with the direction that the plaintiff may file whatever additional documents, the same be filed positively within four weeks from today, failing which, the provisions of Order XI Rule 1 of CPC, as applicable to Commercial Courts Act, 2015 shall apply. It is also directed that as and when the service is effected on the defendants, the plaintiff shall supply these documents to the other side.

5. Arguments on other three applications heard.

6. Put up for consideration/orders on applications under Order XXXIX Rule 1 and 2 CPC, Order XXVI Rule 9 and Section 151 CPC for directions **19.02.2026**.

(Mukesh Kumar Gupta)
District Judge(Commercial Court)-07
Central/Tis Hazari Courts/17.02.2026 'ak'