

22 CS (COMM.) 572/23

M/S VIRA AUTO COMPONENTS PRIVATE LIMITED v. M/S
VIRA INDUSTRIES AND ANR.

06.07.2026 (At 12:25 p.m.)

Present: Sh. Varun Pandit (appearing through V/C),
Advocate/ld. proxy counsel for plaintiff.
Ms. Prashansa Singh, ld. counsel for defendant.

1. Vide my separate order of even date, announced in the open court today, application under Order XXXIX Rule 1 and 2 CPC filed by plaintiff, is allowed and defendants are restrained till final disposal of this suit, from selling or marketing their product in any manner with the alleged label or any such label which is similar to the trade mark of plaintiff, be it color combination, trade dress or overall get-up of the trade mark.
2. As per order dated 25.03.2026 arguments were to be heard on the issues no.1 and 2, which were treated as preliminary issues. However, I find that vide order dated 12.08.2025 as passed on application under Order VII Rule 11 CPC, this court has already decided the question, which is so covered in issue no.1. Therefore, there is no requirement to again hear argument on same question and issue no.1 shall be treated to be decided in terms of order dated 12.08.2025.
3. Issue no.2 was treated as preliminary issue, however, this issue has been also decided because of such arguments raised while contesting the application under Order XXXIX Rule 1 & 2 CPC. While passing the order on this application, that argument had to be considered because it related to maintainability of the suit. Therefore, there is no need to pass separate order on this issue as well.

4. Now the case shall be taken up for plaintiff's evidence on 05.10.2026, 07.10.2026 and 12.10.2026. Case shall be taken up for defendant's evidence on 14.10.2026, 16.10.2026 and 22.10.2026. Case shall be taken up for final argument on 29.10.2026.
5. Both parties shall file list of their witnesses within 15 days from today. Plaintiff shall file affidavit of all its witnesses along with list of witnesses and defendant shall file affidavit of all its witnesses by next date of hearing. Advance copy must be supplied to opposite party.

(Pulastya Pramachala)
District Judge (Commercial Court-01),
Patiala House Courts Complex,
New Delhi/06.07.2026 (*r.k.*)