

07.07.2022

Present: Sh. Pranay Sarkar Ld counsel for plaintiff.

Sh. Kuber Mahajan Ld counsel for proposed defendant no 4.

None for defendant no 1 to 3.

Ld counsel for the parties pray that the present matter may be sent to the Ld Commercial Court as the present suit involves the issue related to trademark.

In view of the submissions made and the judgment passed by the Hon'ble High Court of Delhi in **FAO-IPD 1/2022 & CM APPLs. 12-14/2022** titled as ***Vishal Pipes Limited Vs Bhavya Pipe Industry*** decided on 03.06.2022 and in para 66 of the said judgment the Hon'ble High Court of Delhi has observed as under:

- (i) Usually, in all IPR cases, the valuation ought to be Rs. 3 lakhs and above and proper Court fee would have to be paid accordingly. All IPR suits to be instituted before District Courts, would therefore, first be instituted before the District Judge (Commercial).
- (ii) In case of any IPR suits valued below Rs. 3 lakhs, the Commercial Court shall examine the specified value and suit valuation to ensure it is not arbitrary or unreasonable and the suit is not undervalued.
- (iii) Upon such examination, the concerned Commercial Court would pass appropriate orders in accordance with law either directing the plaintiff to amend the plaint and pay the requisite Court fee or to proceed with the suit as a non-commercial suit.
- (iv) In order to however maintain consistency and clarity in adjudication, even such suits which may be valued below Rs. 3 lakhs and continue as non-commercial suits, shall also continue to be listed before the District Judge (Commercial), but may not be subjected to the provisions of the CCA.
- (v) **All pending IPR suits before the different District Judges (non-commercial) in Delhi shall be placed before the concerned District Judges (Commercial) for following the procedure specified above. Plaintiffs who wish to amend the Plaint would be permitted to do so in accordance with law.**

In view of the directions contained in the said judgment, let the matter be placed before the Ld. District & Sessions Judge (HQ), Central District, Tis Hazari Courts, Delhi for appropriate directions.

Parties are directed to appear before the Ld. District & Sessions Judge (HQ), Central District, Tis Hazari Courts, Delhi on **13.07.2022 at 2:00 pm.**

Ahlmad is directed to place the file before the Ld. District & Sessions Judge (HQ), Central District, Tis Hazari Courts, Delhi.

(Ajay Gulati II)
ADJ-01 (Central)
THC, Delhi/07.07.2022