

**IN THE COURT OF SH. PULASTYA PRAMACHALA,
DISTRICT JUDGE (COMMERCIAL COURT)-01,
PATIALA HOUSE COURT, NEW DELHI**

In the matter of:

CS (COMM) 965/2025

SH. SANJEEV KUMAR AGRAWAL

77-78, Jeewaji Ganj,

Morena-476001, Madhya Pradesh

Also at:

Shop No. 18, Ram Janki Mandir,

Jiwaji Ganj, Morena-476001, Madhya Pradesh.

...Plaintiff

Versus

1. MS. MANJU KUMARI

Trading as Aradhya Traders,

Near Nepal Border,

In front of Prakhand She Aachal Karyalay,

Near Block Office

Bairgania, Sitamarhi (Bihar) 843313.

...Defendant no. 1

2. SH. HARIOM KUMAR GUPTA

Near Nepal Border,

In front of Prakhand She Aachal Karyalay,

Near Block Office

Bairgania, Sitamarhi (Bihar) 843313.

... Defendant no.2

Date of pronouncement of the order : 04.07.2026

ORDER

DESCRIPTION OF THE CASE

1. Vide this order, I shall decide application under Order I Rule 10 CPC as moved on behalf of defendant no.2, thereby seeking deletion of his name from the array of the parties in this suit.

2. Plaintiff has filed this suit for permanent injunction against passing off and infringement of Trademarks & Copyright; damages; rendition of accounts; delivery up etc. This court has already discussed the relevant facts and plea taken by plaintiff, in order dated 18.12.2025 as passed on application for ad-interim injunction, vide which this court passed ad-interim injunction in favour of plaintiff. Therefore, I do not intend to repeat or reproduce the facts again in this order.

PLEA TAKEN IN CAPTIONED APPLICATION

3. Applicant/defendant no.2 has filed the captioned application on the following grounds: -
 - 3.1 That defendant no.1 is the proprietor of M/s. Aradhya Traders and defendant no.2 has nothing to do with M/s. Aradhya Traders. That no cause of action has arisen against him.
 - 3.2 Prayer has been made to allow present application and to delete/strike off name of defendant no.2 from the array of parties, in the instant suit.

REPLY TO THE CAPTIONED APPLICATION

4. In the reply, plaintiff has denied the contents of the captioned application of defendant, in totality. It has been replied that present application is neither maintainable in law nor on facts, and same has been preferred on false grounds and untenable averments. It has been further replied that as per the memo of parties, defendant no.2 is working in the capacity of a manager/associate in defendant no.3 and is a necessary party to the present suit.

APPRECIATION OF ARGUMENTS, LAW AND FACTS

5. Ld. counsel for plaintiff contested this application submitting that defendant no.2 is actively involved in selling the impugned products under the banner of defendant no.3. Defendant no.1 is projected as proprietor/owner of that firm, however, defendant no.2 is actively involved in such business with defendant no.1. Despite given opportunity, no submission was made on behalf of applicant on this application. The contentions regarding no case of infringement/passing off being made out from the case of plaintiff, already stand decided by this court vide order dated 18.12.2025. This court has already found sufficient allegations of passing off the goods, while using deceptively similar trade mark by the defendants. This is not the stage, when the court can return any final finding in respect of the liability of the applicant, or to decide exact status of the applicant. However, it is sufficient to note that Id. Local Commissioner in his report mentioned that during his inspection of several shops/premises, though son of applicant was found present at one premises, but applicant was not cooperating. The seized materials were taken on superdari by applicant himself and his premises was also found containing impugned goods. In these circumstances, it is apparent that applicant/defendant no.2 is at least a proper party in the present case. Hence, the application is dismissed.

**Pronounced in the
Open Court on this
04th day of July, 2026**

**(PULASTYA PRAMACHALA)
District Judge (Commercial Court)-01,
Patiala House Court, New Delhi**