

05.08.2026

Present: Sh. Himanshu Chaudhary Ld. Counsel for plaintiff.

Sh. Piyush Sharma, Ld. Counsel for defendant no. 1
through VC.

Sh. Pankaj Tomar Ld. Counsel for defendant no. 2.

1. From the record it is evident that two applications i.e. one application of the plaintiff moved under Section 151 read with Order XI Rule 1 (5) & 1 (12) CPC and another application of the defendant no. 2 moved under Section 151 CPC are pending for disposal. With the consent of the parties, the aforesaid applications are taken up for disposal.

Application of plaintiff moved under Section 151 read with Order XI Rule 1 (5) & 1 (12) of Commercial Courts Act, 2015:-

2. Vide instant application, a request has been made on behalf of the plaintiff to take on record the latest Board Resolution/ Company Charter issued by the plaintiff in favour of Sh. Mototsugu Sato in order to prove chain of command. It is submitted that no prejudice will be caused to the defendants if the said document is taken on record. A prayer is made accordingly.
3. Ld. Counsel for the defendants submits that they do not have any objection if the instant application is allowed and the aforesaid document is taken on record.

4. Heard and perused the record.
5. In view of the submissions made and the no objection on the part of defendants, the instant application is allowed and the document sought to be placed on record, is taken on record. The application is **disposed off** accordingly.

Application of defendant no. 2 moved under Section 151 CPC:-

6. In the application it is stated that pursuant to the order of this court dated 27.09.2024, the Local Commissioner visited the spot/ property in question on 15.10.2024 for de-sealing the same; defendant no. 2 along with his counsel was present at the spot/ property in question; Local Commissioner after asking the Ld. Counsel for the plaintiff, started preparing the spot proceedings stating that the seal is tampered and pasted only Bandage over the lock, not the cello tape; the said shop was renovated after sealing the said premises as told by the workers who renovated the shop and were present at the spot; defendant no. 2 and his counsel requested many time to the Local Commissioner to check the seal properly as it was not tampered/ broken and requested to de-seal the premises; but Local Commissioner did not consider their request stating that whatever submissions, are to be made, can be made before the court.
7. It is stated that the Local Commissioner did not record the statement of the workers who were present at the spot; the photographs of the seal, exact shop etc. have already been

filed which are now part of judicial record; after some arguments at the spot, Ld. Counsels for the plaintiff made the excuse that the material was lying in the shop which was taken out by the defendant no. 2 from the backside of the premises; the defendant no. 2 filed the reply/ objection to the spot proceedings conducted by the Local Commissioner after which, this court vide order dated 03.04.2025, appointed the new Local Commissioner who visited the spot/ property in question on 11.04.2025 and inspected the spot/ property in question in the presence of the defendant no. 2, his counsel and Ld. Counsel for the plaintiff; Local Commissioner found that the seal was proper and the shop was vacant and thereafter, he prepared the spot proceedings wherein it is clearly mentioned by the Local Commissioner that *“I inspected the premises which was locked by two sealed lock. It was taped over the seal. On removal of the taping it is clear that the seal was proper”*. It is submitted that after de-sealing the premises, no material, relating to the plaintiff, has been found as alleged by the plaintiff in the present suit. It is therefore prayed that the defendant no. 2 may kindly be deleted from the array of the parties.

8. The plaintiff has contested the present application and has filed reply thereto taking certain objections that during the inspection by the Local Commissioner on 06.08.2024, the impugned counterfeit goods were recovered & seized from the premises of defendant no. 1, whereas the premises of defendant no. 2 was locked and no one was present at the

location; since the defendant no. 2 or his representative was not present at the spot, therefore, the Local Commissioner sealed the premises; in the final report of the Local Commissioner dated 13.08.2025, it has been clearly mentioned that some pictures were clicked from below the shutter of the premises of the defendant no. 2 and it was ample clear that cartons/ cards boxes being impugned trademark 'Anchor' were lying inside the premises as evident from the photographs clicked on 06.08.2024 filed by the Local Commissioner as well. It is submitted that according to the report dated 17.10.2024 of the Local Commissioner namely Sh. Akshay Aggarwal, the commission was executed on the premises of the defendant no. 2 on 15.10.2024 for de-sealing of the premises and it was noted that after proper examination and comparison with the photographs of 06.08.2024, it was found that the seals were tampered; it was further revealed that the premises were completely vacant and all the impugned goods which were there on the earlier execution dated 06.08.2024 have been removed. All the other allegations made in the application, have been denied by the plaintiff and it is prayed that the instant application may kindly be dismissed.

9. Heard and perused the record.
10. From the record it is evident that vide order dated 17.05.2025, issues were framed by this court and the Schedule of Second Case Management Hearing was fixed. One of the issues framed (*i.e. issue no. 1) inter alia* is as

under:-

“Whether defendant no. 2 Ankush has committed the breach of injunction order dated 31.07.2024 and there is a violation or disobedience of the said order of injunction by defendant no. 2 ? (OPP)”

11. The aforesaid issue came to be framed in the background of the application of the plaintiff moved under Order 39 Rule 2 A read with Section 151 CPC as it was stated that the defendant no. 2 has violated the order of this court. The aforesaid application of the plaintiff was kept pending by this court vide order dated 17.05.2026 observing that the allegations made in the application cannot be disposed off without evidence to be adduced by the parties and it was directed that the said application shall be decided at the stage of final hearing.
12. Having said so, it would not be proper to delete the defendant no. 2 in the given circumstances. Order dated 17.05.2026 is final and binding. No objection has been raised by the Ld. Counsel for the defendant no. 2 to framing of the aforesaid issue. In case the prayer made by way of present application is allowed, the aforesaid issue would become infructuous. Further, the grounds raised in the present application, can be adjudicated effectively after the full trial of the case. Accordingly, no ground is made to delete the defendant no. 2. Thus the instant application being devoid of merits is hereby **dismissed**.

13. Now put up for re-fixing the Schedule of Second Case Management Hearing on **14.08.2026**.

(Rajesh Kumar Goel)
District Judge (Commercial Court)-02
Central District, Tis Hazari Courts, Delhi
05.08.2026