

IN THE COURT OF SH. MANOJ KUMAR-I, DISTRICT JUDGE
(COMMERCIAL COURT)-05, CENTRAL, TIS HAZARI COURTS,
DELHI

CS (COMM) No.: 154/2026

In the matter of:

Nike Innovate C.V. and another

versus

Ashok Kumar and others

ORDER:

This order shall decide an application under Order I Rule 10(2) read with section 151 of the Code of Civil Procedure, 1908 (CPC) made on behalf of the plaintiffs for substituting/impleading Raj Kumar Prajapati, Nirmal Prakash, Madhav, Mukesh Goyal and Shubham Gupta as party defendants in place of existing defendants.

2. It is, inter alia, stated in the application that this court granted an ex parte ad interim injunction against the defendants and further allowed the application of the plaintiffs under Order XXVI Rule 9 read with section 151 of CPC vide its order dated 09.02.2026 for appointment of Local Commissioners to visit the premises of the defendants; that upon the execution of the Local Commission dated 18.3.2026, the names of the defendants have been revealed as Raj Kumar Prajapati, Nirmal Prakash, Madhav, Mukesh Goyal and Shubham Gupta; that the plaintiffs instituted the aforesaid suit on the premise that

they were not aware of the exact constitution of the defendants and accordingly sought a direction for disclosure of relevant information upon the defendants entering appearance before this court; that the defendants were shown as “Ashok Kumar” the “John Doe orders” whereby the court appointed Commissioner retained the power to visit the premises of members of an ascertained class who were either infringing or likely to infringe and to satisfy himself as to nature of infringing activities; that upon the execution of the Local Commission, that such defendant/s when identified, would be impleaded as parties instead of “Ashok Kumar” in accordance with law; that in view of the aforesaid circumstances, and the information revealed at the time of execution and the report of the Local Commissioner, the defendants be substituted as per the amended memo of parties filed along with this application; that the present application is bona fide and is being filed in the interest of justice, equity and good conscience. It is stated that the application may be allowed and substitute the name of aforesaid defendants and perpetrators for Ashok Kumar.

3. I have heard Mr. Somanth De, Advocate for the plaintiffs and Mr. Anuj Arora, Advocate for Nirmal Prakash, one of the proposed defendants and have gone through the material on record carefully and reports filed by the two local commissioners.

4. Having drawn the attention of the court on the contents of the application, plaint filed in the suit and the reports dated 27.3.2026 of

the two local commissioners appointed in the suit it is submitted by counsel for the plaintiffs that during the inspection of the premises of the proposed defendants their names and identity were revealed and they were also found having possession of the infringed articles bearing trade marks of the plaintiffs. It is further submitted by counsel for the plaintiff that for further prosecution of the suit Raj Kumar Prajapati, Nirmal Prakash, Madhav, Mukesh Goyal and Shubham Gupta are required to be impleaded as party defendants in the present suit in place of existing defendants. It is further submitted by counsel for the plaintiff that the application may be allowed and the five defendants may be substituted in place of the existing defendants.

5. On the other hand, it is submitted by counsel for Nirmal Prakash, one of the proposed defendants that during the search and seizure by the local commissioners nothing has come against the proposed defendant Nirmal Prakash, therefore, no ground is made out for impleading him as a party defendant in the present suit. It is further submitted by counsel for Nirmal Prakash, one of the proposed defendants that the application may be dismissed.

6. I have given thoughtful consideration to the submissions made on behalf of the plaintiff and Nirmal Prakash, one of the proposed defendants.

7. The present suit under section 134, 135 of the Trade Marks Act, 1999, section 55 of the Copyright Act, 1957 for permanent

injunction restraining infringement of trade marks and copyright, passing off, delivery up and rendition of accounts etc. initially instituted against the four defendants each name as Ashok Kumar as the identity pertaining to the defendants was not known to the plaintiff. After institution of the suit, at the instance of the plaintiff, by order dated 09.02.2026 passed by this court two local commissioners were appointed in the suit to visit the premises of the defendants and to seize the infringed articles bearing trade marks of the plaintiff. As per the reports filed by the two local commissioners, at the time of the inspection of the premises, the persons sought to be substituted as the defendants were found in occupation and control of the premises where the infringed articles bearing the trade marks of the plaintiff were seized and the proposed defendants were not having any documents to show that the same were genuine articles manufactured by the proposed defendants as per law. After pursuing the reports of the local commissioners, this court is of the considered view that for further prosecution of the suit the persons, namely, Raj Kumar Prajapati, Nirmal Prakash, Madhav, Mukesh Goyal and Shubham Gupta are required to be impleaded as party defendants in the suit in place of existing defendants. Therefore, the application is allowed and the plaintiff is allowed to substitute Raj Kumar Prajapati, Nirmal Prakash, Madhav, Mukesh Goyal and Shubham Gupta as defendant Nos. 1 to 5 respectively.

8. In view of the order I Rule 10(2) of the CPC, in the wake of the substitution of the defendants, the plaintiff shall be at liberty to amend the plaint in such manner as may be necessary.

Pronounced in the open court
on the 29th day of April, 2026

(MANOJ KUMAR-I)
District Judge (Commercial Court)-05
Central District: Tis Hazari: Delhi