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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **CS(COMM) 771/2022 & I.A. Nos. 2611/2025 & 2679/2025**

USHA INTERNATIONAL LIMITED

.....Plaintiff

Through: Mr. Prashant Gupta with Mr. Aadhar
Nautiyal and Ms. Shivangi Kohli,
Advocates.
(M): 9810113505

versus

**POOJA DUA TRADING AS NAMAN SEWING MACHINE CO
NSM CO**

.....Defendant

Through: None.

CORAM:

HON'BLE MS. JUSTICE MINI PUSHKARNA

ORDER

% **31.01.2025**

I.A. No. 2611/2025 (Application on behalf of the plaintiff seeking amendment of the plaint)

1. The present application has been filed under Order VI Rule 17 read with Section 151 of the Code of Civil Procedure, 1908 ("CPC").
2. Learned counsel appearing for the plaintiff submits that by selling the products under the mark BADDAN and NISHA trade dress, the defendants are continuing to violate the orders of this Court and infringing the plaintiff's statutory and common law rights. Thus, it is submitted that the proposed defendants who are selling the defendants' products under the mark BADDAN and the NISHA trade dress, are actively involved in the



violation of the plaintiff's rights.

3. It is submitted that the contesting defendants in their written statement have pleaded that they have not used the trade mark BADDAN and/or the impugned trade dress in relation to their products. Such assertion in the face of the product packaging, is a blatant lie.

4. Thus, it is submitted that the presence of the proposed defendants and their active role in the chain of infringement being committed by the defendants has come to light only subsequent to the filing of the suit. It is therefore, prayed that proposed amendments sought in the plaint are imperative for proper and effective adjudication of the present case, and for determining the real question in controversy between the parties.

5. Issue notice to the defendants including proposed defendants by all modes, returnable on 18th March, 2025, i.e., the date already fixed.

I.A. No. 2679/2025 (Application on behalf of the plaintiff for willful disobedience and breach of the orders of this Court)

6. The present application has been filed under Order XXXIX Rule 2A read with Section 151 CPC, for wilful disobedience and breach of the orders of this Court.

7. Learned counsel appearing for the plaintiff submits that the defendants' continued use of the trademark BADDAN in relation to sewing machines and the NISHA trade dress amounts to a flagrant and intentional violation of the orders passed by this Court. It is submitted that such deliberate conduct of the defendants is neither honest nor incidental, but is clearly motivated by the ulterior intention of continuing to infringe and pass off their products as those of the plaintiff.



8. Issue notice to the defendants including proposed defendants by all modes, returnable on 18th March, 2025, i.e., the date already fixed.

MINI PUSHKARNA, J

JANUARY 31, 2025

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