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

+ CS(COMM) 847/2022

MR. M.K. SRINIVASAN & ANR.

.....Plaintiffs

Through: None.

versus

MR. MAGESH JAYARAMAN & ORS.

.....Defendant

Through: Mr. Tahir A.J., Adv for D-1
& 2 (VC).
Ms. Garima, Adv for D-3
(VC).

CORAM:

JOINT REGISTRAR (JUDICIAL) MS. SWATI KATIYAR

ORDER

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18.04.2026

**I.A. NO. 6977/2025 UNDER ORDER XI RULES 1, 3 AND 5
OF CPC FILED BY PLAINTIFFS SEEKING DISCOVERY,
PRODUCTION AND INSPECTION OF DEFENDANTS'
DOCUMENTS.**

1. Matter is listed for orders on the aforesaid application.
2. The present application has been filed by the plaintiff under Order 11 Rule 1, 3 and 5 of CPC (as amended by Commercial Courts, Commercial Division and Commercial Appellate Division of High Courts Act, 2015) seeking discovery, production and inspection of the documents.

CASE OF THE PLAINTIFFS.

3. The plaintiffs have filed the present suit seeking permanent injunction to restrain the defendants from infringement of plaintiffs' Patent bearing Patent Number 336440 titled "DC Circuit



Earth Fault Locator”. The plaintiffs have also prayed for damages and rendition of accounts against the defendants.

4. It is submitted by Ld. counsel for plaintiffs that the Hon’ble Court was pleased to grant *ex-parte ad-interim* injunction in favour of the plaintiffs vide order dated 07.12.2022 and the said order was confirmed by the Hon’ble Court vide order dated 26.11.2024. It is submitted by Ld. Counsel for plaintiffs that the pleadings filed by the defendants do not disclose or provide crucial information which is vital for proper adjudication of the present case.

5. Ld. Counsel for the plaintiffs submit that defendants have been indulging in activities in clear violation of the plaintiffs’ rights for a long period of time and it is essential that defendants provide relevant and essential information vital for determining unlawful gains made by them over the period of time that it has been using the plaintiffs patented technology and copyright in respect of its products, as also the losses suffered by plaintiffs in terms of lost royalty.

6. It is thus prayed that defendants be directed to provide information specifying quantity of such infringing products manufactured and sold by the defendants along with documents in support, on or after the date of publication of the suit patent and the price at which the above products were sold including the profit and loss statements for such products. It is submitted that these documents are imperative to estimate the scale of infringing activities that the defendants have been involved in and for effectively adjudicating the present proceedings between the parties.



7. Defendant no.1 and 2 have filed reply to the present application countering the prayer made by the plaintiffs. It is submitted by Ld. Counsel for defendant no.1 and 2 that issues were framed in the present matter on 26.11.2024 and parties were directed to file their list of witnesses and evidence affidavits and the trial was to be concluded within six months i.e. by 26.05.2025. However, the trial is still pending as on date.

8. It is submitted by Ld. Counsel for defendant no.1 and 2 that the present application is inclusive and vague as the plaintiffs have failed to specify the infringing products of the defendants. It is submitted that infringement is yet to be established in the present case. It is further submitted that plaintiffs have not specified the defendants' exact product qua which they seek information. It is submitted that Ld. Local Commissioner has already filed an elaborate report enumerating all the activities of the defendants and the relevant documents thereto. Despite the same, the plaintiffs have not spelled out the relevant documents, which they seek from the defendants.

9. It is submitted that the price of products sold by the defendants is evident from the report of Ld. Local Commissioner and plaintiffs have failed to state what additional information they seek from the defendants. It is submitted that the present application is a fishing and roving exercise initiated by the plaintiffs to conceal their lethargic conduct in conducting the trial. It is thus prayed by Ld. Counsel for defendant no.1 and 2 that the present application may be dismissed with heavy cost.

10. Defendant no.3 has also filed reply to the present application



submitting that the present application is liable to be dismissed *in limine* given that plaintiffs have not specified any document that they want defendant no.3 to disclose and which is not already on record. It is submitted that the Local Commissioner visited the offices of defendant no.3 on 14.12.2022 and all the information including purchase orders, invoices, ledger accounts, etc sought by Local Commissioner from defendant no.3 were duly provided and the same forms a part of Local Commissioner's Report dated 28.12.2022.

11. Ld. Counsel for defendant no.3 further submits that vide order dated 07.12.2022, the Hon'ble Court had granted liberty to defendant no.3 to fulfil existing orders of its DC Ground Fault Locator subject to disclosure of quantity of products sold against such existing orders. It is submitted that except the existing orders detailed at paragraph No. 4 of the affidavit dated 11.04.2023, defendant no.3 has not made till date, a single new sale of its DC Ground Fault Locator.

12. It is submitted that since 2022, considerable time has lapsed and for almost 2.5 years, plaintiffs have never sought any document as the relevant documents showing the sales made prior to filing of suit were already disclosed before Local Commissioner and existing order details were disclosed as part of affidavit dated 11.04.2023. It is submitted by Ld. Counsel for defendant no.3 that since everything has already been disclosed, this application is a waste of time and a tactic to derail the trial. It is thus prayed that the application be dismissed as nothing more is to be disclosed by defendant no.3.



REJOINDER OF PLAINTIFFS



13. Ld. Counsel for plaintiffs has filed rejoinder to the replies of defendants

14. Qua the reply of defendant no.1 and 2, it is submitted by plaintiffs that defendants were under an obligation to furnish all documents in their power, possession, control or custody pertaining to the suit including unlawful gains made by them and the losses suffered by the plaintiffs on account of defendants' infringing activities.

15. Ld. Counsel for plaintiffs submits that the interrogatories sought by way of present application relate to the subject matter of the present suit i.e Suit Patent and infringing products sold by the defendants i.e. DC Ground Fault Locator MGFL and DC Ground Fault Locator GDL- 1M. It is submitted that Ld. Local Commissioners in their respective reports have filed copies of few invoices obtained during the respective commissions conducted at the defendants' premises in Bengaluru and Nasik, however, the complete data with regard to all the sales of the aforementioned infringing products during the relevant period is still obscure and defendants are wilfully and malafidely refraining from disclosing the information before the Hon'ble Court.

16. It is further submitted that the plaintiffs have not caused any unreasonable delay, nor they have any intention to delay the trial. It is thus submitted that the defendants be directed to provide information specifying the exact quantity of the units of infringing products sold and manufactured by defendants after the date of publication of suit patent i.e. 07.03.2014 namely DC Ground Fault Locator MGFL and DC Ground Fault Locator GDL- 1M including document in support thereof and the prices at which the above



products were sold including profit and loss statement of such products. It is submitted that no prejudice would be caused to the defendants if the application is allowed, but grave injustice will be caused to the plaintiffs if the application is not allowed.

17. With regard to the reply of defendant no.3, Ld. Counsel for plaintiffs submitted that the report of Ld. Local Commissioner contain only copies of few invoices obtained during the commissions conducted at defendant no.3's premises at Nasik, however, complete data with regard to all the sales of infringing products is still obscure. It is submitted that the report of Ld. Local Commissioner mentions only about few documents which were recovered during the commission and is not conclusive as to the extent of infringing activities of the defendants. It is thus submitted that defendant no.3 may also be directed to provide information specifying the exact quantity of units of the infringing products sold and manufactured by them after the date of publication of suit patent i.e. 07.03.2014 namely DC Ground Fault Locator MGFL and DC Ground Fault Locator GDL- 1M including document in support thereof and the prices at which the above products were sold including profit and loss statement of such products.

18. It is further submitted by plaintiffs that the present application pertains to all the invoices, sales data, ledger accounts of the products sold by defendant no.3 during the validity of the plaintiffs' Indian Patent No. 336440. It is submitted that the details sought from defendant no.3 do not only pertain to sale of DC Ground Fault Locator after the Hon'ble Court's order dated 07.12.2022, wherein the defendants were enjoined from selling the impugned infringing products, rather the application is concerned with the exact quantity of the units of infringing products sold and manufactured by the defendants after the date of publication of suit



patent as specified in paragraph 15 of the rejoinder. It is thus submitted that defendant no.3 may be directed to disclose the entire information as sought by the plaintiffs.

ANALYSIS AND FINDINGS.

19. I have considered the submissions and perused the record carefully.

20. The present suit has been filed by the plaintiffs seeking permanent injunction against the defendants by restraining infringement of Indian Patent No. 336440 along with copyright infringement, rendition of accounts and profits, damages and delivery. One of the reliefs sought by the plaintiffs against the defendants is *“An Order directing an enquiry into the books of accounts of the Defendants for claiming rendition of accounts of profits illegally earned by the Defendants ever since the launch of the infringing products till date and a decree be passed in favor of the Plaintiffs in the sum of amounts so ascertained;”* The plaintiffs have also sought damages against the defendants.

21. Vide order dated 26.11.2024, Hon’ble Court was pleased to frame issues in the present matter. Out of the issues framed by the Hon’ble Court, issues no. 5 states *“Whether the plaintiffs are entitled to account of profits received by the defendants from sale of its product? OPP”* and issue no.6 states, *“ Whether the plaintiffs are entitled to damages for an amount of Rs.2,00,00,000 (Rupees Two Crore) from the defendants? OPP”*.

22. The present application has been moved by the plaintiffs seeking information / documents from defendants specifying the exact quantity of the units of the alleged infringing products sold and manufactured by the defendants after the date of publication of



the suit patent i.e. March 07, 2004 namely the 'DC Ground Fault Locator MGFL' and 'DC Ground Fault Locator GDL-1M' including documents in support thereof and the prices at which the above products were sold including profit and loss statements for such products.

23. In light of the reliefs prayed by the plaintiffs in their plaint as well as the issues which have been framed by Hon'ble Court, it is apparent that the information / document(s) which is sought by the plaintiffs is relevant and crucial for proper adjudication of the case as the information with regard to the sales of the alleged infringing products and the prices at which they were sold after the publication of suit patent would be required for rendition of accounts and calculation of damages. Ld. Counsels for the defendants have relied heavily on the reports of Ld. Local commissioners to argue that all the relevant documents have already been seized by Ld. Local Commissioners during execution of commission proceedings and the relevant documents are already on record.

24. At this juncture, it would be pertinent to refer to the report of Ld. Local Commissioner Mr. Gaurav Barathi, dated 23.01.2023 as per which, Ld. Local Commissioner inspected the premises of defendant no.1 and 2 and found various tax invoices, delivery challans, purchase orders and other miscellaneous documents in relation to the infringing products as identified by the plaintiffs' expert and photocopies of these documents were placed on record. The report dated 23.01.2023 also states at paragraph 19 that defendant no.1 informed Ld. Local Commissioner that he had four pending purchase orders of DC Ground Fault Locator and defendant no.1 was asked to seek appropriate leave from Hon'ble Court in this regard. However, from the report of Ld. Local



Commissioner dated 23.01.2023 and documents seized by Ld. Local Commissioner from the premises of defendant no.1 and 2, the period for which the product in question has been manufactured and exact quantity sold by defendant no. 1 and 2 cannot be ascertained.

25. Similarly, with respect to defendant no.3, the report of Ld. Local Commissioner dated 28.12.2022 mentions only about certain tax invoice, purchase orders and ledger account from 15.06.2022 till 28.11.2022. The ledger account is for a limited period only whereas the plaintiff is seeking information since the date of publication of suit patent i.e. March 07, 2014.

26. During the course of arguments, Ld. Counsel for plaintiffs argued that there are several invoices which are missing from the invoices collected from the premises of defendants and complete invoices are not on record. If it is the case of defendants that there are no other invoices or that no other unit was manufactured or sold by them apart from what has been mentioned in the report of Ld. Local Commissioners, defendants may state so by filing an affidavit in this regard. Otherwise, the defendants are required to furnish the information regarding the exact quantity of units of the alleged infringing products manufactured / sold by them after date of publication of suit patent i.e. March 07, 2014 namely 'DC Ground Fault Locator MGFL' and 'DC Ground Fault Locator GD-1M' alongwith the prices at which these products were sold including profit and loss statement of such products.

27. Hence, in view of the observations made above, the present application stands allowed. Defendants are directed to submit their response regarding the information sought by the plaintiffs i.e. exact quantity of units of the alleged infringing products



manufactured / sold by defendants after date of publication of suit patent i.e. March 07,2014 namely 'DC Ground Fault Locator MGFL' and 'DC Ground Fault Locator GD-1M' alongwith the prices at which these products were sold.

28. The responses be submitted by the defendants within four weeks.

29. *IA stands disposed off.*

CS(COMM) 847/2022.

30. Evidence on behalf of plaintiffs before Ld. Local Commissioner is stated to be pending. Ld. Counsel for defendants submits that till date, the plaintiffs have not fixed a date for the witness to appear before Ld. Local Commissioner. It is submitted that if such conduct of plaintiffs continue, the matter may be placed before the Hon'ble Court for further directions.

31. Since none is appearing on behalf of plaintiffs today, matter be listed for purpose fixed on 24.04.2026.

**MS. SWATI KATIYAR,
JOINT REGISTRAR (JUDICIAL)**

APRIL 18, 2026/bk