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

\+ CS(COMM) 97/2024 & I.A. 20960/2025

GURPAL SINGH .....Plaintiff

Through: Mr. Ishan Berry, Adv.

versus

BHIM SAIN WADHWA .....Defendant

Through: Mr. Kunal Khanna, Mr. Madhav Anand, Advocates

CORAM:
HON'BLE MS. JUSTICE MANMEET PRITAM SINGH ARORA

<u>O R D E R</u>

% 03.12.2025

<u>I.A. 20960/2025(under order VII Rule 14 (3) CPC)</u>

1. This is an application filed by the plaintiff under Order VII Rule 14 (3) Code of Civil Procedure, 1908 ('CPC') seeking leave to place on record (i) certain letters addressed to the plaintiff's grandfather, Mr. Gurnam Singh Khushdil, between 1940 to 1966 by various State functionaries; and (ii) Income Tax Return ('ITRs') for the Assessment Year ('AY') 2010-2011 to 2024-2025.

2. It is stated that the letters addressed to the plaintiff's grandfather were recently discovered by a relative. It is stated that the said letters are available in the original and are sought to be relied upon to explain the basis of the adoption of the mark 'KHUSHDIL' by the plaintiff.

3. It is stated that Mr. Gurnam Singh Khushdil was the maternal grandfather of the plaintiff and the plaintiff has adopted the mark 'KHUSHDIL' through his maternal grandfather.

4. It is stated that the plaintiff seeks to rely upon the ITRs for AY 2010-2011 to 2024-2025 to show the continuous use of the mark 'KHUSHDIL' by the plaintiff.

5. In response, learned counsel for the defendant states that defendant is objecting to the filing of ITRs for the period AY 2010-2011 to 2024-2025. He states that the suit was filed on 2019 and the application has no explanation for non-filing of the ITRs for AY-2010-2011 to AY 2019-2020 with the plaint.

6. It is further submitted that issues have already been framed and evidence affidavits have been filed, and considering that this is a commercial suit, the filing of ITRs for AY-2010-2011 to AY 2024-2025 at this belated stage would be contrary to the scheme of Order XI CPC as applicable to commercial disputes.

7. In addition, he states that the letters sought to be relied upon do not show use of the ''KHUSHDIL' as a trademark in the course of trade. He however states that in case the said documents/letters are taken on record, the same should be without prejudice to the submissions of the defendant with respect to the lack of relevance. He states that defendant is not aware if the plaintiff's grandfather was known as Mr. Gurnam Singh Khushdil.

8. This Court has considered the submission of the parties.

9. The plaintiff seeks to place on record the letters to show that his grandfather's name was Mr. Gurnam Singh Khushdil. The defendant does not admit to the name of plaintiff's grandfather as Mr. Gurnam Singh Khushdil. In these facts, the plaintiff's endeavour to bring on record letters addressed to Mr. Gurnam Singh Khushdil appears to be reasonable. Moreover, plaintiff has in its custody the original documents, which are

issued by state functionaries, which lends credence to the said documents. The plaintiff has reasonably explained its inability to file these documents prior to the institution. This Court is therefore satisfied that these letters can be brought on record. Accordingly, the letters between 1942-1966 are directed to be take on record keeping in view the rights and contentions of the defendant with respect to relevance and admissibility being kept open.

10. However, this Court finds merit in the submission of defendant that ITRs for AY 2010-2011 to AY 2019-20 ought to have been filed along with the suit and no reasonable ground has been made out in the application for filing the ITRs at this belated stage and accordingly the request for filing ITRs rejected. For the same reason, ITRs for AY 2020-21 to 2024-25 are not taken on record. The plaintiff will rely upon the documents already placed on record to prove its continuous user of the mark and any other documents which may be permissible in law to be produced during the examination/cross-examination of its witnesses.

11. Learned counsel for the defendant states he will file an affidavit of admission/denial vis-à-vis letters within two (2) weeks.

12. The plaintiff is at liberty to file an amended evidence affidavit to take steps for exhibiting the additional documents, which have been taken on record.

13. With the aforesaid direction, the application stands disposed of.

<u>CS(COMM) 97/2024</u>

14. List before the learned Joint Registrar (J) on 02.03.2026 i.e., date already fixed.

MANMEET PRITAM SINGH ARORA, J

DECEMBER 3, 2025/hp