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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CS(COMM) 906/2022**

TITAN COMPANY LIMITED

.....Plaintiff

Through: Mr. Amit Sibal, Senior Advocate with
Mr. Rohil Bansal and Mr. Chirayu
Prahlad, Advocates.

versus

DIRECTI INTERNET SOLUTIONS PRIVATE LIMITED & ORS.

.....Defendants

Through: Mr. Aditya Verma, Mr. Utkarsh Joshi,
Mr. Parkhi Rai, Ms. Ilma Khan and Ms.
Kanishka Sharma, Advocates.

CORAM:

HON'BLE MR. JUSTICE TUSHAR RAO GEDELA

ORDER

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17.04.2026

I.A. 1795/2026 (Additional Documents)

1. By way of the present application the plaintiff seeks permission to file three sets of documents *vide* cover of index dated 05.01.2026, 08.01.2026 and 12.01.2026. The reply to the present application has been also filed by the defendants.

2. Mr. Amit Sibal, learned senior counsel appearing on behalf of the plaintiff states that all the documents comprising document set no. 1, 2 and 3 of the aforesaid three dates were not in the power, possession, control or custody of the plaintiff as on the date of the filing of the suit i.e. 21.12.2022, since the documents are for the period from August, 2025 up to the month of December 2025. Thus, these documents could not be disclosed with the list of documents filed with either the suit or the replication.

3. That apart, learned senior counsel submits that the set of documents comprise e-mail and other online articles which would be relevant to show the importance and relevance of corporate e-mails as a business tool for the corporate entities in today's world.



4. He states that no prejudice would be caused to the defendants since so far as the e-mails are concerned, same are claimed to be emanating from the customers of the plaintiff with response e-mails emanating at the end of the defendants.

5. Mr. Aditya Verma, learned counsel appearing on behalf of defendant, opposes the said application and states that it is only after the summary judgment application was filed by the defendant that in response and to cause prejudice to the contentions raised therein, the present application has been filed. He states that even the application seeking filing the documents on record does not remotely refer to the importance of these documents in respect of the issue raised in the summary judgment application. He states that even if the documents are taken on record, the plaintiff cannot rely upon these documents for the purposes of reply or response to the summary judgment application filed on behalf of the defendant.

6. Mr. Amit Sibal, learned senior counsel appearing on behalf of the plaintiff, vehemently refutes to the aforesaid contentions and states that the relevancy of the documents shall be referred to, and made good at the time when this Court is hearing the application under Order XXXIX Rules 1 and 2 as also the summary judgement application.

7. This Court has considered the aforesaid arguments of the parties.

8. So far as the provision under Order XI Rule 1(5) of the Code of Civil Procedure, 1908 as amended by the Commercial Court Act 2015 is concerned, this Court is only to see as to whether the documents sought to be filed at a subsequent stage suffer from the lacuna of non-disclosure at the stage of filing of the suit itself.

9. Having regard to the fact that these documents pertain to a period much after the suit, written statement and replication was filed, the occasion for disclosure of these documents at the stage of filing of the suit or even the



replication, does not arise. Even otherwise the e-mails are claimed to demonstrate confusion in the public in respect of trademark “TITAN”, thus the plaintiff can be permitted to file these documents.

10. In that view of the matter, there cannot be any impediment in permitting the plaintiff to file the three sets of documents.

11. However, in the interests of justice and to ensure that the defendant is not put to any prejudice, the said documents shall be filed subject to reservation of the right of the defendant to object as to the mode, proof and relevancy of the documents.

12. That apart, the defendant is also entitled to raise any similar objections at the time when the summary judgement application filed by the defendant is taken into consideration.

13. The defendant would be at liberty to raise objection as to the relevancy of these documents at the time of consideration of the summary judgment application.

14. Accordingly, the documents may be filed within one week from date. Copies are stated to have been received by the learned counsel for the defendants.

15. Defendants seek and are granted two weeks’ time to place on record the admission and/or denial of the documents, which have been permitted to be placed on record today. Advance copy shall be furnished to the learned counsel for the plaintiff.

16. So far as I.A. 22253/2022 & I.A. 20788/2023 are concerned, the same shall be taken up for consideration on 14.08.2026.

TUSHAR RAO GEDELA, J

APRIL 17, 2026/ar