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

+ **CS(COMM) 1038/2025**

X & ANR.

.....Plaintiff

Through: Mr. Manoj Kumar and Ms. Shrawani,
Advs.

versus

Y & ORS.

.....Defendant

Through: None

CORAM:

HON'BLE MS. JUSTICE MANMEET PRITAM SINGH ARORA

ORDER

% **21.11.2025**

I.A. 28352/2025 (seeking impleadment of proposed defendant nos. 15 to 21)

1. This is an application filed by the plaintiff under Order I Rule 10 CPC seeking impleadment of additional seven (7) entities as proposed Defendant Nos. 15 to 21; details whereof are set out at paragraph 8 of this application.
2. It is stated that during the course of local commission executed in pursuance of the order dated 26.09.2025, some of the defendants nos. 1 to 13 disclosed their source of procurement of the counterfeit products. Upon further investigation, seven (7) new entities have been identified to be dealing/selling the counterfeit products under the Plaintiffs' mark
3. Learned counsel for the plaintiffs refers to the Local Commissioner's report of Ms. Shikha Baisoya dated 18.10.2025
4. A comparison chart of the Plaintiffs' genuine products and the counterfeit products procured from the proposed Defendants is set out at



paragraph 10 of the captioned application.

5. This Court has perused the application and the averments made in the captioned application as well as documents filed therein. The Plaintiff has enlisted the locations of the seven (7) entities and pleaded that it is not sure about the exact name and/or constitution of the said entities and seeks liberty to file an amended memo of parties after the local commission has executed.

6. In view of the submissions made in the application along with the documents filed, the application is allowed and the proposed parties are impleaded as defendant nos. 15 to 21.

7. The plaintiff is directed to file an amended memo of parties within one (1) week of conclusion of the local commission to bring on record the exact name of the Defendants.

8. Accordingly, the application stands allowed.

I.A. 28310/2025 (seeking exemption from pre-institution mediation vis-à-vis defendant nos. 15 to 21)

9. The present application has been filed under Section 151 of the CPC by the Plaintiffs seeking exemption from instituting pre-litigation mediation as per Section 12A of the Commercial Courts Act, 2015 vis-à-vis newly impleaded Defendant Nos. 15 to 21.

10. Having regard to the facts that the present suit contemplates urgent interim relief and in light of the judgement of the Supreme Court in **Yamini Manohar v. T.K.D. Kreethi**¹, exemption from the requirement of pre-institution mediation is granted to the Plaintiffs.

11. Accordingly, the application stands disposed of.

¹ (2024) 5 SCC 815.



I.A. 29104/2025

12. This is an application filed by the Plaintiffs for bringing on record photographs and documents showing the location of the premises pertaining to the Defendant Nos. 15 to 21 impleaded in I.A. 28352/2025.

13. For the reason stated in the application, application is allowed and the documents are taken on record.

I.A. 28354/2025 (under Order XXXIX RULE 1 & 2 CPC)

14. The present application has been filed seeking interim injunction restraining the newly impleaded Defendants (D-15 to D-21) from infringing the registered trademarks and copyrights of the Plaintiffs, passing off their goods as those of Plaintiffs along with other ancillary reliefs.

15. It is stated that this Court vide order dated 26.09.2025 granted an ex parte ad-interim injunction against the already impleaded Defendant nos. 1 to 13 and in favour of the Plaintiffs, restraining the said defendants to infringe upon the Plaintiffs' registered trademark. It is stated that vide order dated 26.09.2025, this Court granted the Plaintiffs liberty to move an application to implead any new entity that it identified to be infringing their

proprietary rights rested within the mark ANCHOR/ . Paragraph 22 of the order dated 26.09.2025 reads as under:

“22. The Plaintiffs have impleaded Defendant no. 14 as John Doe. In ease. Plaintiff identifies any other person and/or entity from whom seizure has to be affected, it shall move an appropriate application for its impleadment and for seeking extension of the injunction to the said person/entity.”

(Emphasis supplied)



16. It is stated that during the execution of local commission proceedings, the Defendant nos. 1 to 13 had disclosed about receiving supply of counterfeit products. Upon further investigation by the Plaintiffs, seven (7) new entities have been identified to be dealing/selling the counterfeit products such as switches, sockets, 12-module plate, 6 ampere 3 pin top and



16 ampere 3 pin top etc under the Plaintiffs' mark ANCHOR/

17. It is stated that the plaintiff has also procured the samples of the counterfeit products from the said defendant nos. 15 to 21 and upon comparison it was observed that the CM/L number mentioned on the plastic packaging of the counterfeit products are wrong. The table showing the comparison between the rival products is at paragraph 10 of the I.A. 28352/2025.

18. The Court has heard the learned counsel for the plaintiffs and has perused the matter.

19. The plaintiffs have placed on record documents evidencing availability of counterfeit products with defendant nos. 15 to 21. In these facts, the injunction order dated 26.09.2025 is hereby extended to defendant nos. 15 to 21, restraining the defendant no. 15 to 21 themselves or through partners, or proprietor, as the case may be, assigns in business, distributors, licensees, suppliers, agents, printers, franchisees, dealers, their principal officers, servants and agents, and all others acting for and on behalf of them from manufacturing, assembling, printing, selling, offering for sale, advertising, directly or indirectly dealing in counterfeit ANCHOR/



branded products or any other products under the trade mark



ANCHOR/ or packaging pertaining thereto or any other deceptively similar trade mark/packaging and/or any unauthorized use of



ANCHOR/ trade mark/ trade dress/labels/logos/colour combination/packaging/get up/ copyright/device elements which is a colourable imitation and/ or a substantial reproduction of the plaintiffs'



ANCHOR/ /labels/packaging/logos/colour combination/get-up/device elements/trade dress as may lead to confusion or deception.

20. In view of the fact that the Plaintiffs have sought appointment of Local Commissioners to seize the counterfeit products bearing the Plaintiff's trademarks, the very purpose of the grant of ex parte ad interim injunction would be defeated if Defendants are given notices contemplated in Order XXXIX Rule 3 of CPC prior to the execution of the commission. Hence, it is directed that the Plaintiffs shall serve notice under Order XXXIX Rule 3 of CPC at the time of execution of the Local Commissions, which shall not be later than two (2) weeks from today. An affidavit of compliance must be filed within two (2) weeks.

21. After amended memo of parties has been filed, upon steps being taken by the Plaintiffs, issue notice to the Defendant nos. 15 to 21 through all modes.

22. Reply be filed by Defendant No. 15 to 21 within four (4) weeks from



receipt of notice.

23. Rejoinder thereto, if any, be filed within four (4) weeks thereafter.

24. List before the learned Joint Registrar (J) on **24.11.2025**.

25. List before Court on **27.03.2026**.

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26. The Plaintiffs are directed to file an amended memo of parties along with process fees within one (1) week after the conclusion of the local commission bringing on record the exact name and address of the entities impleaded as defendant nos. 15 to 21.

27. After the amended memo of parties is filed, simultaneously summons be issued to the Defendant nos. 15 to 21 through all modes. Affidavit of service be filed within two (2) weeks.

28. The summons shall indicate that the written statement(s) must be filed within thirty (30) days from the date of receipt of the summons. The Defendant no. 15 to 21 shall also file affidavit(s) of admission/denial of the documents filed by the Plaintiffs, failing which the written statement(s) shall not be taken on record.

29. The Plaintiffs are at liberty to file replication(s) thereto within thirty (30) days after filing of the written statement(s). The replication(s) shall be accompanied by affidavit(s) of admission/denial in respect of the documents filed by the Defendant nos. 15 to 21, failing which the replication(s) shall not be taken on record.

30. It is made clear that any unjustified denial of documents may lead to an order of costs against the concerned party.

31. Any party seeking inspection of documents may do so in accordance with the Delhi High Court (Original Side) Rules, 2018.



32. List before the learned Joint Registrar (J) on **24.11.2025**.

33. List before Court on **27.03.2026**.

I.A. 28353/2025(for appointment of local commissioner)

34. This present application has been filed under Order XXVI Rule 9 read with Section 151 of CPC seeking the appointment of Local Commissioners.

35. Learned counsel for the Plaintiff submits that although there are seven (7) locations, several of them are situated in close proximity to one another; hence, a request is made for the appointment of three (3) Local Commissioners.

36. In order to ensure that the injunction is fully complied with and to preserve the evidence of infringement, this Court deems it appropriate to appoint three (3) Local Commissioners; details are hereunder:

S.No	Entity Name	Address of the premises to be Visited	Police Station Address	Name of LCs
1.	unknown	Shop at Plot No. 101, Near Shiv Mandir, Main Dadri Road, Greater Noida, Gautam Buddha Nagar, Uttar Pradesh	PS. - Bisrakh, Gautam Buddh Nagar, UP	Mr. Mihir Samson, Advocate M. No. 9811233878 E. No. D/4150/2010
		Shop at Shop No. 1, Near Shiv Mandir opposite Reliance Petrol Pump, Noida, Gautam Buddh Nagar, Uttar Pradesh	PS. - Bisrakh, Gautam Buddh Nagar, UP	
		Shop at Sihari Saddiq Nagar, Near Shiv Mandir, Ghaziabad, Uttar Pradesh	PS- Nandgram, Ghaziabad, UP	
2.	unknown	Shop at Khasra no. 282- 284, tempo stand near PNB Bank, Chhapraula, Gautam Buddh Nagar, Uttar Pradesh	PS. - Badalpur, Gautam Buddh Nagar, UP	Ms. Amritananda Chakravorty, Advocate



		Shop at Khasra No. 340- 345, Bhagvati Complex, Neta Puri, G.T. Road, Patvari ka bagh, Villag- Achcheja, Gautam Buddha Nagar	PS. Badalpur, Gautam Buddh Nagar, UP	M. No. 9971846694 E. No. D/1605/2008
		Shop at Lakhnawali Road, opposite Shaheed Bhagat Singh School, Suraj Pur, Greater Noida, Uttar Pradesh	PS SurajPur, Gautam Buddha Nagar, UP	
3.	unknown	Shop at Jeevan Nagar, Part II, 33 feet road, Gonchi, Near Sohna Road, NIT Faridabads	PS- Mujesar, Faridabad, Haryana	Ms. Shreya Munoth Advocate M. No. 9958498446 E. No. D/803/2013

37. The mandate of the Local Commissioner is as under: -

- I. The Local Commissioners shall visit the premises of the Defendants as mentioned above, to inspect and seize the products of the Defendants bearing the registered trademarks of the Plaintiffs.
- II. The Local Commissioners are permitted to seize the products bearing the impugned marks at the above premises and if knowledge is acquired of any other premises of the defendants where the products could be stored, the Local Commissioners are free to record the same and then visit the other premises and conduct a seizure there as well.
- III. The Local Commissioners shall also inspect and seize any products/materials including pamphlets, brochures, stickers, packaging materials, dyes or blocks used for preparing the manufacturing materials, display boards, sign boards, advertising material, dyes or blocks, unfinished, packed, unpacked products



bearing the impugned marks or any other documents, wrapper etc. so that it can be ensured that no fresh manufacturing of the infringing products bearing the impugned marks can take place.

- IV. The Local Commissioners shall also obtain the details as to since when products bearing the impugned marks are being used by the Defendants and obtain copies of the accounts, if the same is found to be sold in market.
- V. The Local Commissioners shall obtain accounts including ledgers, stock registers, invoice books, receipt books, cash books, purchase and sale records and any other books of record or commercial transactions kept at the premises of the defendant and take a photocopy and/or record of all such transactions that pertain to infringing products, if any. The Defendants shall cooperate and give passwords to the computers and the files containing the accounts, if the same is stored on the computer or a specific software.
- VI. After preparation of the inventory, the products bearing the impugned marks, in fully manufactured or unfinished condition, including packaging materials, advertising, promotional materials, pamphlets, brochures, boxes, videos, hoardings, brochures, banners, cartons and other material bearing the impugned marks or the marks, which are similar to the Plaintiff's trademarks, shall be released to the Defendants on *Superdari*. The monetary value of the stock shall also be ascertained.
- VII. Upon being requested, the concerned jurisdictional police authorities, the Commissioner of Police/Superintendent of Police and/or the Station House Officer ('SHO'), shall render necessary cooperation for



execution of the commissions, as per this order.

- VIII. The Local Commissioners are also permitted to break open the locks, with the help of the local police, if access to the premises, is denied to the Commissioners.
- IX. The Local Commissioners are permitted to take photographs and videography of the proceedings of the commission, if it is deemed appropriate. Two (2) representatives of the Plaintiffs, which may include a lawyer, are permitted to accompany the Local Commissioner.
- X. The Local Commissioners, while executing the commission, shall ensure that there is no disruption to the business of the Defendants, except for the purposes of the execution of the commission. The commission shall be executed in a peaceful manner.
- XI. Copy of the order and complete paper book shall be served by the Local Commissioners upon the Defendants at the time of execution of commissions.
38. The Defendants, will have liberty to approach the Court for variation, modification or even vacation of the order passed by this Court and shall have a right to defend themselves on the next date of hearing before this Court, which shall be duly intimated to him or them by the counsel for the Plaintiffs and the Local Commissioner.
39. The order passed today, shall not be uploaded for a period of two (2) weeks for enabling the execution of the commissions.
40. The Local Commissions shall be executed within two (2) weeks. The report of the Local Commissioners shall be filed within two (2) weeks thereafter.



41. The fee is fixed at Rs. 2,50,000/- each for the Local Commissioners enlisted at serial nos. 1, 2 and 3 excluding out-of-pocket expenses, travel expenses, etc., which is to be borne by the Plaintiffs.
42. In terms of the foregoing, the present application stands disposed of.
43. Either the learned counsel for the Plaintiff or the learned Local Commissioner is directed to collect certified copy of this order from the Registry (Dispatch Branch) before for execution of the Commission.
44. The Local Commissioners shall carry the certified copy of this order for execution of the Commission and a copy of the same shall be served upon the Defendants at the time of the execution of the Commission.
45. Copy of this order to be given *dasti* under the signatures of the Court Master.

MANMEET PRITAM SINGH ARORA, J

NOVEMBER 21, 2025/hp/AJ