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

+ **CS(COMM) 1080/2025 & I.As. 25061-66/2025**

RASHI SANTOSH SONI AND ANR

.....Plaintiffs

Through: Mr. Jaspreet Singh Kapur and Ms.
Shweta, Advocates

versus

MOHIT ELECTRONICS

.....Defendant

Through: None

CORAM:

HON'BLE MS. JUSTICE MANMEET PRITAM SINGH ARORA

ORDER

% **09.10.2025**

I.A. 25066/2025 (for exemption)

1. The present application has been filed under Section 151 of the Code of Civil Procedure, 1908, ['CPC'], seeking exemption from filing clear/legible copies of documents mentioned at paragraph 2 of the captioned application.

2. The legible and clearer copies of exempted documents, be filled within four (4) weeks from today.

3. With the aforesaid directions, the application stands disposed of.

I.A. 25065/2025 (exemption from advance service to the defendant)

4. This is an application filed by the plaintiffs under Section 151 of the CPC seeking exemption from advance service to the defendant.

5. In view of the fact that the Court is issuing notice to the defendant, the relief sought in the captioned application has become infructuous.

6. Accordingly, this application stands disposed of.



I.A. 25064/2025 (seeking exemption from pre-litigation mediation)

7. This is an application has been filed under Section 12A of the Commercial Courts Act, 2015, read with Section 151 of the Code of Civil Procedure, 1908, [‘CPC’], by the plaintiffs seeking exemption from instituting pre-litigation mediation.

8. 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. Keerthi**¹, exemption from the requirement of pre-institution mediation is granted to the plaintiffs.

9. Accordingly, the application stands disposed of.

I.A. 25063/2025 (seeking to file additional documents)

10. This is an application seeking leave to file additional documents under Order XI Rule 1(4) of the CPC [as amended by the Commercial Courts, Commercial Division and Commercial Appellate Division of High Courts Act, 2015 (‘Commercial Courts Act’)] read with Section 151 CPC.

11. The Plaintiffs, if they wish to file additional documents, will file the same within 30 days from today, and they shall do so strictly as per the provisions of the Commercial Courts Act and the Delhi High Court (Original Side) Rules, 2018 (‘DHC Rules’).

12. For the reasons stated in the application, the same is allowed.

13. Accordingly, the application is disposed of.

CS(COMM) 1080/2025 & I.A. 25061-62/2025

14. The present suit has been filed for passing off, infringement of copyright in the packaging/trade dress registered vide registration number

¹ (2024) 5 SCC 815



No. A-144300/2023, and registered design no. 364771-001 in class 23-04 and other ancillary reliefs.

15. At the outset, after having perused the record, this Court is of the prima facie opinion that the defendant's mark "NEW SURYA GOLD", "SUN GOLD", "SURYA EXL" is deceptively similar to the plaintiffs' mark "SURYA GOLD" and the defendant's product/tower fan infringe upon the plaintiffs' registered design as well as registered copyright in trade dress.

16. However, as per the plaint, to the plaintiffs' knowledge, the defendant commenced its infringing activities in 2023 by using the mark "SURYA GOLD" and was served with a cease-and-desist notice in 2023. It is stated that, as per the plaintiff, the defendant stopped using the mark in 2023, and the plaintiff has now learnt about the infringing activities complained of in the plaint. Considering the aforesaid facts, this Court finds it appropriate to grant the defendant an opportunity to appear and be heard before proceeding to pass orders in the captioned suit and applications.

17. In these circumstances, let the plaint be registered as a suit.

18. Summons be issued to the Defendant by all permissible modes on filing of the process fee. An affidavit of service be filed within two (2) weeks.

19. The summons shall indicate that the written statement must be filed within thirty (30) days from the date of receipt of the summons. The Defendant shall also file an affidavit of admission/denial of the documents filed by the Plaintiffs, failing which the written statement shall not be taken on record.

20. The Plaintiffs are at liberty to file replication(s) thereto within thirty (30) days after filing of the written statement. The replication(s) shall be



accompanied by affidavit(s) of admission/denial in respect of the documents filed by the Defendant, failing which the replication(s) shall not be taken on record. It is made clear that any unjustified denial of documents may lead to an order of costs against the concerned party.

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

22. The defendant is directed to appear in person and to place before this Court a stock statement of the sales of the infringing tower fans w.e.f. 01.04.2023 to 30.09.2025, duly certified by the Chartered Accountant along with relevant GST returns.

23. List on **27.10.2025** in the *supplementary list*.

MANMEET PRITAM SINGH ARORA, J

OCTOBER 9, 2025/rhc/AJ