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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CS(COMM) 1323/2025**

HERO MOTOCORP LIMITED

.....Plaintiff

Through: Mr. Anirudh Bakhru, Mr. Sumit
Wadhwa and Mr. Hitesh Malik,
Advocates.

versus

MR.RAJ KUMAR MISHRA & ORS.

.....Defendants

Through: Mr. Kundan Roy, Advocate for D-1
to D-3.

CORAM:

HON'BLE MR. JUSTICE TUSHAR RAO GEDELA

ORDER

% **10.02.2026**

I.A. 3729/2026 (Impleadment)

1. This is an application under Order I Rule 10 read with Section 151 of the Code of Civil Procedure, 1908 seeking impleadment of "LUBRANTA PETROCHEM PVT. LTD." as defendant no.4
2. Issue notice to the intended defendant no.4 by all permissible modes upon the plaintiff taking steps within one week.
3. Reply, if any, be filed within two weeks' time. Rejoinder thereto may be filed within two weeks thereafter.

I.A. 3730/2026 (Amendment of the Complaint)

4. This is an application filed under Order VI Rule 17 read with Section 151 of the Code of Civil Procedure, 1908 seeking amendment of the complaint in so far as the intended defendant no.4 is concerned. Mr. Bakhru, learned counsel for the plaintiff submits that on the information disclosed in the Local Commissioner's report and the invoices supplied, the plaintiff came to know



that the defendant nos. 1 to 3 are sourcing the infringing products from the said Ms. Lubranta Petrochem Pvt. Ltd. In such circumstances, the amendment to the original plaint is necessitated and hence, the present application under Order VI Rule 17, CPC, 1908 has been preferred.

5. He submits that para 10 onwards of the application, the amendments sought in the cause title of the suit, as also addition of para 5A after para 5 of the plaint and para 24A after para 24 of the original plaint and amendment to para 33 which is encapsulated in para 13 of the present application, is necessitated.

6. Keeping in view the aforesaid submissions and having regard to the averments of the said application and since it is in respect of the intended defendant no.4, no prejudice would be caused to the defendant no.4 in case the application is allowed.

7. Accordingly, the application stands allowed.

8. The amendments enumerated in para nos.10, 11, 12 and 13 of the present application are permitted to be inserted in the original plaint.

9. The amended plaint alongwith amended memo of parties, is stated to be filed. If so, the same be taken on record.

I.A. 3731/2026 (Stay)

10. This is an application under Order XXXIX Rules 1 and 2 read with Section 151 of the Code of Civil Procedure, 1908, seeking extension of *ex-parte ad interim* injunction against defendant no.4.

11. Mr. Bakhru, learned counsel submits that by the order dated 11.12.2025, this Court was pleased to grant an *ex-parte ad interim* injunction in favour of plaintiff and against the defendant restraining the defendants from manufacturing, selling, offering for sale, exporting or dealing in any product under the impugned bottle design. He submits that the relevant directions are contained in para 31 of the said order which is extracted hereunder:



“31. Accordingly, till the next date of hearing, the Defendants, their proprietors, partners, directors, principal officers, associates, affiliates, licensees, distributors, dealers, stockists, retailers, servants, agents, and all others acting on their behalf are restrained from manufacturing, selling, advertising, offering for sale, retailing, distributing, importing, exporting, either directly or indirectly, and either online or offline, dealing in any product



under the Impugned Bottle Design,



’ and/or the Impugned Label,’ or any other Bottle Design or Label which are identical and / or deceptively similar to the Plaintiff’s Bottle Designs, registered under Class 09-01 under Registration



Nos. 311300 and 311301, and / or the Plaintiff’s Label ‘ ’ so as to cause infringement of the Plaintiff’s Bottle Designs or the Artistic Work of the Plaintiff’s Label.”



12. Mr. Bakhru submits that the knowledge regarding defendant no.4 manufacturing the impugned bottle designs and trade dress was acquired from the Local Commissioner's report dated 26.12.2025. He submits that comparison of the original registered bottle of the plaintiff in comparison to those procured by defendant no.1, ostensibly from the defendant no.4 clearly make out a case for *ex-parte ad* interim injunction against defendant no.4 inasmuch as not only the bottle is exact replica of the plaintiff's registered design even the label on the bottle is deceptively similar and almost identical and would create confusion and deception in the mind of the ordinary public.

13. He thus submits that the *ex-parte ad* interim injunction be also extended to intended defendant no.4 in terms of the order dated 11.12.2025.

14. Having heard Mr. Bakhru, learned counsel for the plaintiff and perusing the Local Commissioner's Report dated 26.12.2025, this Court is of the considered opinion that it would be in the interests of justice to extend the *ex-parte ad* interim injunction against the intended defendant no.4 namely "LUBRANTA PETROCHEM PVT. LTD." in terms of the order dated 11.12.2025.

15. The reply be filed within three weeks. Rejoinder thereto be filed within three days thereafter.

16. List for consideration on 13.02.2026.

17. List before the Joint Registrar for completion of pleadings and service on 02.03.2026.

CS(COMM) 1323/2025

18. Mr. Kundan Roy, learned counsel appearing for the defendant nos. 1 to 3 submits that he has not received copy of the applications. Mr. Anirudh Bakhru, learned counsel for the plaintiff submits that the copies of all the three applications shall be furnished to Mr. Roy on the e-mail address furnished in the chat box during the course of the day.



19. Mr. Bakhru, learned counsel for the plaintiff draws attention of this Court to the report of the Local Commissioner dated 26.12.2026. He invites attention of this Court to para nos.9, 11, 13 and 15 to submit that the defendant no.1, i.e. Mr. Raj Kumar Mishra, had misconducted himself while the commission was being executed by the Local Commissioner and urges that strong message ought to be sent to persons like the defendant no.1 for misbehaving and misconducting themselves while a Court Commission is being executed.

20. This Court has heard Mr. Bakhru and also perused the relevant paragraphs of the Local Commissioner's Report and is of the considered opinion that the orders of the Court which are being executed by a Local Commissioner are sacrosanct and while the Commission is being executed, the said Commissioner is a representative of the Court itself and deserves the sanctity and the respect which ought to be tendered to the Court itself. There cannot be a situation where defendants can be permitted to take law into their hands or misbehave and misconduct themselves with the Local Commissioner.

21. In that view of the matter, it is deemed appropriate to direct Mr. Raj Kumar Mishra, i.e. the defendant no.1 to be present in person physically in the Court on 13.02.2026.

22. Matter to be placed 'High on Board'.

TUSHAR RAO GEDELA, J

FEBRUARY 10, 2026

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