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

+ **CS(COMM) 1350/2025 & I.A. 31568-31575/2025**

M/S SIDDHI ENGINEERS & ANR. Plaintiffs

Through: Mr. G. Nataraj, Mr. Rahul Bhujbal,
Mr. Jegadheesh Rama, Ms. Jigyasa
Singh, Mr. Nilesh Nayak and Ms.
Chavvi Sompura, Advs.

versus

ISHRAT AKIL SHAIK Defendant

Through: None

CORAM:

HON'BLE MS. JUSTICE MANMEET PRITAM SINGH ARORA

ORDER

% **17.12.2025**

I.A. 31571/2025 (for additional documents)

1. This is an application seeking leave to file additional documents under Order XI Rule 1(4) of the Code of Civil Procedure, 1908 ['CPC'] [as amended by the Commercial Courts Act, 2015, (Act of 2015)], read with Section 151 CPC, within thirty [30] days.

2. The plaintiffs, if they wish to file additional documents, shall file the same within thirty [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'].

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

4. Accordingly, the application is disposed of.

I.A. 31572/2025 (seeking exemption from filing original/certified copy of documents)

5. This is an application under Section 151 CPC, seeking exemption



from filing original/certified copy of documents.

6. Subject to the plaintiffs filing original/certified copy of documents within a period of four [4] weeks from today, exemption is granted for the present, failing which, the plaintiffs will not be entitled to rely upon these documents.

7. Accordingly, the application is disposed of.

I.A. 31573/2025 (exemption from true/typed copy of dim/illegible pages)

8. This is an application filed under Section 151 CPC seeking exemption from filing true/typed copy of dim/illegible pages in the present Suit.

9. Subject to the plaintiffs filing true typed copy of dim/illegible pages within a period of thirty [30] days from today, exemption is granted for the present, failing which, the plaintiffs will not be entitled to rely upon these documents.

10. Accordingly, the application is disposed of.

I.A. 31574/2025 (for exemption from advance service)

11. This is an application filed under Section 151 of CPC, 1908, seeking exemption from advance service on the Defendant.

12. Since the Court is issuing summons in this Suit, this application has become infructuous.

I.A. 31575/2025 (seeking exemption from pre-litigation mediation)

13. This is an application under Section 12A of the Act of 2015, read with Section 151 CPC, filed by the plaintiffs seeking exemption from instituting pre-litigation mediation.

14. Having regard to the facts that the present Suit contemplates urgent interim relief and in light of the judgment of the Supreme Court in **Yamini**



Manohar v. T.K.D. Keerthi¹, exemption from the requirement of pre-institution mediation is granted to the plaintiffs.

15. Accordingly, the application stands disposed of.

I.A. 31570/2025 (seeking discovery of details)

16. This is an application filed under Order XI Rule 1(6) of CPC as amended by the Act of 2015, read with Chapter IV of the DHC Rules, read with Section 151 of CPC, 1908, seeking discovery of details enlisted at paragraph '6' of the captioned application.

17. Issue notice to the defendant through all modes.

18. Reply be filed within four [4] weeks from receipt of notice. Rejoinder thereto, if any, be filed within two [2] weeks thereafter.

19. List before the learned Joint Registrar (J) on **29.01.2026**.

20. List before Court on **27.02.2026**.

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21. Let the plaint be registered as a suit.

22. Summons be issued to the defendant by all permissible modes on filing of the process fee. *Dasti* in addition. Affidavit of service be filed within two [2] weeks.

23. 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 affidavit of admission/denial of the documents filed by the plaintiffs, failing which the written statement shall not be taken on record.

24. The plaintiffs are at liberty to file replication thereto within thirty [30] days after filing of the written statement. The replication shall be

¹ (2024) 5 SCC 815



accompanied by affidavit of admission/denial in respect of the documents filed by the defendant, failing which the replication shall not be taken on record.

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

26. Any party seeking inspection of documents may do so in accordance with the DHC Rules.

27. List before the learned Joint Registrar (J) on **29.01.2026**.

28. List before Court on **27.02.2026**.

I.A. 31568/2025 (seeking ex-parte ad-interim injunction)

29. This is an application filed under Order XXXIX, Rules 1 and 2, read with Section 151 of CPC, on behalf of the plaintiffs, seeking an ex-parte ad-interim injunction, and restraining infringement of Patents IN 466296 titled “Process of manufacturing of Steel Cops/Bobbins/Pirns for Synthetic Yarn” and IN 530568 titled “Process for manufacturing Steel Cheese Tubes/Jumbo Tubes/Pipes for Woven Sacks and Cops/ Bobbins/ Pirns for Synthetic Yarn” [‘Suit Patents’].

30. Issue notice to the defendant through all modes. Reply be filed within four [4] weeks from receipt of notice. Rejoinder thereto, if any, be filed within two [2] weeks thereafter.

31. Learned counsel for the plaintiffs states that the plaintiffs are pressing for an ex-parte ad-interim order; however, this Court is of the considered opinion that the Court would like to hear the defendant before proceeding with the matter.

32. Accordingly, the defendant is directed to ensure that its reply is on record before the next date of hearing.



33. List before the learned Joint Registrar (J) on **29.01.2026**.

34. List before Court on **27.02.2026**.

I.A. 31569/2025 (seeking appointment of a Local Commissioner)

35. This is an application filed under Order XXVI Rule 9 read with Section 151 of CPC, for the appointment of a Local Commissioner, Detention, Preservation, Inspection, etc.

36. The learned counsel appearing for the plaintiffs submits that the Suit Patents in the present case are process patents claiming methods for manufacturing Steel Cops/Bobbins/Pirns, used in the winding process to manufacture synthetic yarn. They were unable to obtain the defendant's process, and therefore, it is difficult to compare the defendant's process with the Suit Patents' claims. However, for prima facie purposes, plaintiffs had procured the defendant's product and conducted tests through independent NABL-certified laboratories. The results of the same are filed as Documents numbered '38' and '39' in the Plaintiff's documents folder. These reports show that the products are substantially similar.

37. This Court had heard the submissions and perused the lab reports submitted by the plaintiffs. Since the plaintiffs had not furnished a claim mapping that maps the claims of the Suit Patents with the defendant's process, the ex parte ad interim relief is not granted to the plaintiffs, at this stage. However, the lab reports filed by the plaintiffs, along with the plaint, prima facie show that the defendant's product is substantially similar to the plaintiff's product.

38. Considering the difficulty in obtaining access to the defendant's allegedly infringing process, the substantial similarity [reflected in the reports] of the defendant's product obtained from the alleged infringing



process, and the need to safeguard the confidentiality of the defendant's process, this Court deems it appropriate to appoint one [1] Local Commissioner for limited purpose of making inventory of the product manufactured from the allegedly infringing process which is branded as 'HIGH SPEED COPS 420MM LENGTH', the appointment is confined thereto.

<u>S.NO</u>	<u>ADDRESS</u>	<u>Name of Local Commissioner</u>
1.	Ishrat Akil Shaikh Sole proprietor of COPS Care Engineering Gd. Floor, plot no. 123-126 Garib Nawaz Nagar Opp. Dhumbhal Tenement Limbayat, Surat- 395010 Gujarat, India	Ms. Nisha Sharma, Advocate Mob. No. 9910507896 E. No. D/998/2016

39. The mandate of the Local Commissioner is as follows: -
- The Local Commissioner is appointed with a limited mandate of visiting the premises of the defendant for the purposes of making an inventory of the stock already available, as well as obtaining the details of the stock manufactured and sold to date.
 - The Local Commissioner shall obtain the record of the starting date of manufacturing of the product in question and the total quantity of the product manufactured till the date of execution of the commission. The defendant will provide the aforesaid information to the Local Commissioner and also provide access to the stock register.
 - Two [2] representatives of the plaintiffs shall be permitted to accompany; however, they shall not in any manner carry out an inspection of the process being used at the defendant's premises.



- iv. The Local Commissioner is also permitted to break open the locks, with the help of the local police, if access to the premises where the products obtained from the impugned process have been stocked/manufactured is denied to the Commissioner.
- v. Copy of the order and complete paper book shall be served by the Local Commissioner upon the defendant at the time of execution of the commission.
40. The fee of the Local Commissioner is fixed at Rs. 2,50,000/-; [Rupees Two Lakhs Fifty Thousand Only], excluding out-of-pocket expenses, travel expenses, and accommodation expenses, etc., which are to be borne by the plaintiffs.
41. Local commission is to be executed within two [2] weeks. The report of the Local Commissioners shall be filed within two [2] weeks thereafter.
42. The order passed today shall not be uploaded for a period of two [2] weeks to enable the execution of the commission.
43. Either the learned counsel for the plaintiffs or the Local Commissioner is directed to collect a certified copy of this order from the Registry [Dispatch Branch] before the execution of the Commission.
44. The Local Commissioner shall carry the certified copy of this Order for execution of the Commission, and a copy of the same shall be served upon the defendant by the learned Local Commissioner at the time of the execution of the Commission.
45. Accordingly, this application is disposed of.
46. Copy of this order to be given *dasti* under the signatures of the Court Master.

MANMEET PRITAM SINGH ARORA, J

DECEMBER 17, 2025/msh/aa/fn