



\$~27

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

+ CS(COMM) 1436/2025 & I.As. 32952-58/2025

ONEPLUS TECHNOLOGY (SHENZHEN) CO LTD. & ANR.

.....Plaintiffs

Through: Mr. Hemant Singh, Ms. Mamta R. Jha, Ms. Arindhya Sharma, Mr. Roohan Kathuria, Ms. Pragya Jain, Ms. Anjeeta Rani, Mr. Rishubh Agarwal and Mr. Aneesh Raj, Advocates

versus

KIRATECH INNOVATIONS PRIVATE LIMITED & ANR.

.....Defendants

Through: Mr. Sumit Nagpal, Ms. Kaamna Nagpal, Mr. Tanmay Saini and Mr. Kunal Khurana, Advocates

CORAM:

HON'BLE MS. JUSTICE MANMEET PRITAM SINGH ARORA

ORDER

% **24.12.2025**

I.A. 32958/2025 (for exemption)

1. This is an application filed under Section 151 of the Code of Civil Procedure, 1908 ['CPC'], seeking exemption from filing the pleadings in the present suit with the seal of plaintiff no. 1.
2. Subject to the plaintiffs' filing the pleadings in the present suit with the seal of the plaintiff no. 1 within a period of four [4] weeks from today, exemption is granted, failing which, the plaint shall stand rejected for improper institution.



3. Accordingly, the application is disposed of.

I.A. 32957/2025 (seeking extension of time for filing Court Fees)

4. This is an application filed under Section 148 read with Section 151 of CPC seeking extension of time for filing Court fees.

5. It is stated that the Court Fees stands deposited and the Court Fees certificate will be filed within one [1] week.

6. Period of deposit is extended by one (1) week.

7. The application stands disposed of.

I.A. 32956/2025 (for exemption)

8. This is an application filed under Section 151 of CPC seeking exemption from filing fair, clear and true typed copies of the documents.

9. Subject to the plaintiffs' filing fair, clear and true typed copies of the documents within a period of thirty [30] days from today, exemption is granted, failing which the plaintiffs shall not be entitled to rely upon these documents.

10. Accordingly, the application is disposed of.

I.A. 32955/2025 (seeking exemption from pre-institution mediation)

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

12. Having regard to the fact 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. Keerthi**¹, exemption from the requirement of pre-institution mediation is granted to the plaintiffs.

13. Accordingly, the application stands disposed of.



I.A. 32954/2025 (for additional documents)

14. This is an application seeking leave to file additional documents under Order XI Rule 1(4) of 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, within thirty [30] days.

15. 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').

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

17. Accordingly, the application is disposed of.

I.A. 32953/2025 (for appointment of Local Commissioners)

18. This is an application filed under Order XXVI Rule 9, read with Order XXXIX Rule 7, read with Section 151 of CPC, seeking appointment of Local Commissioners.

19. At this stage, learned counsel for the plaintiffs states that he is not pressing this application.

CS(COMM) 1436/2025 & I.A. 32952/2025

20. Let the plaint be registered as a suit.

21. Issue summons. Mr. Sumit Nagpal, Advocate, enters appearance and states that he will accept summons on behalf of defendant nos. 1 and 2. He states that he will file his Vakalatnama within one [1] week. He confirms the receipt of the suit paper-book and waives the right of formal service of summons.

¹ (2024) 5 SCC 815



22. He seeks and is granted one [1] week to file written statement and reply to the injunction application. Replication shall be filed within one (1) week thereafter.

23. Learned counsel for the plaintiff states that the adoption of the impugned mark by the defendant in the year 2023 is dishonest.

23.1. He states that at the relevant time, the plaintiff herein had an annual revenue of Rs. 14,48,000 crores approximately.

23.2. He states that it is a matter of record that the plaintiff deals in mobile devices; however, the Division Bench of this Court in **LV Degao and Others v. HTC Corporation and Others**² judgment dated 04.08.2022 has categorically held that the category of personal appliances and the category of hair clippers, in which the present defendant is dealing, are cognate and allied.

24. Learned counsel for the defendant states that the injunction application be taken up after his reply has been filed and seeks one [1] week to file reply.

25. List the matter before the Ld. Joint Registrar (J) for completion of pleadings on **15.01.2026**.

26. Parties are directed to file their written note of arguments not exceeding three (3) pages on or before 23.01.2026.

27. List the matter before the Court for injunction application on **27.01.2026**.

MANMEET PRITAM SINGH ARORA, J
DECEMBER 24, 2025/rhclaa

² 2022 SCC OnLine Del 2459