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

+ **CS(COMM) 987/2018**

NATIONAL FIRE PROTECTION ASSOCIATION, INC.Plaintiff

Through: **Ms. Mamta Rani Jha, Ms. Rema Mohan
and Mr. Sidhant Oberoi, Advocates.**

versus

SWETS INFORMATION SERVICES PVT. LTD.Defendant

Through: **Ms. Amita Singh, Advocate for D-8.**

CORAM:

HON'BLE MR. JUSTICE TUSHAR RAO GEDELA

ORDER

% **18.03.2026**

I.A. 7031/2026 (Under Order I Rule 10)

1. This is an application under Order I Rule 10 read with Section 151 of Code of Civil Procedure, 1908, seeking impleadment of proposed parties as defendants and also seeking extension of the operation of injunction order dated 05.07.2018.
2. It is submitted that the infringing activities of the three proposed defendants was discovered from the internet/websites and on which account, an investigator was appointed who has confirmed the infringing acts of the proposed defendants by virtue of the affidavit dated 02.02.2026, which is stated to have been filed along with the application. The application discloses the manner in which the proposed defendants are infringing the trademark as well as copyright in detail.
3. For the reasons stated and in view of the order dated 05.07.2018, whereby the *ex-parte ad-interim* order was passed, it appears appropriate to implead the said defendants.
4. Having regard to the fact that the present application has been allowed, it



would be in the interests of justice, and keeping in view the peculiar facts of this case, to extend the directions contained in the *ex-parte ad-interim* order dated 05.07.2018 on the proposed defendants no. 9, 10 and 11.

5. The notices in the present application shall be issued to the proposed defendant nos. 9, 10 and 11 once the Local Commissioner has completed the execution of the commission.

6. The Registry is directed to issue notices of the present application on the proposed defendants thereafter, upon the plaintiff taking steps within a week from the date of execution of the commission.

I.A. 7033/2026 (seeking exemption from advance service of accompanying applications)

7. This is an application under Section 151 of the Code of Civil Procedure, 1908, seeking exemption from advance service of the accompanying applications under Order I Rule 10 and Order XXVI Rule 9 read with Order XXXIX Rule 7 to the proposed defendants.

8. Having regard to the averments contained in the present application, the application is allowed.

9. The plaintiff is exempted from serving the accompanying applications on the defendants and proposed defendants in advance.

10. The application is allowed and disposed of.

I.A. 7032/2026 (Appointment of Local Commissioners)

11. The present application has been filed by the plaintiff under Order XXVI Rule 9 read with Order XXXIX Rule 7 of CPC seeking appointment of Local Commissioners. The Court has considered the merits of the plaintiff's case and has granted an *ex-parte ad-interim* injunction as recorded above.

12. After having perused the plaint and the documents in support thereof and hearing learned counsel for the plaintiff, this Court is of the, *prima facie*, opinion that in order to preserve the evidence of the infraction by the defendant



and in order to ensure that the injunction is fully complied with, it may be appropriate to appoint Local Commissioners. Accordingly, the following are appointed as Local Commissioners with a direction to visit the premises of the defendant specified against their names:-

S.No	Name and Contact Details of the Local Commissioner	Location
1.	Mr. Akshat Sharma, Ph: 9871131247	V.A. Enterprises, Proprietorship of Mr. Shyam Bir Singh, B-149, Okhla Industrial Area, Phase I, New Delhi – 110020.
2.	Ms. Unnimaya S Ph: 8585996989	D 19/1, Basement, Okhla Industrial Area, Phase I, New Delhi – 110020.
3.	Mr. Mayank Kumar, Ph: 9634367660	R.R. Enterprises, Proprietorship of Mr. Rupesh Mishra and Ms. Anita Pal, 330A, Jaitpur Extn 1, Badarpur, South East Delhi, Delhi – 110044
4.	Ms. Deeksha Saggi Ph: 9827174474	Asbookworld, Proprietorship of Mr. Akhilesh Tiwari and Mr. Abhishek Tiwari, Ground Floor, House No 5690, Gali No 3, New Chandrawal, Kamla Nagar, North Delhi, Delhi – 110007.

13. The Commission be executed with the following directions:-

- (i) Local Commissioners shall visit the premises of the defendant as outlined above to inspect and seize any infringing product of the defendant, and may be accompanied by representatives of the plaintiff in order to assist in conducting inspection of the said premises.
- (ii) Local Commissioners shall make an inventory of the products bearing the impugned trade dress/packaging and/or any other deceptively similar



trade dress/packaging to the plaintiff's packaging along with any marketing/packaging material, labels, brochures, advertisements, etc. thereof and provide a copy of the same to the representative of the plaintiff;

- (iii) If knowledge is acquired of any other premises than the aforesaid premise, where the infringing product could be stored or services can be provided from, the Local Commissioners are free to record the same and then visit the other premises and conduct a seizure there as well;
- (iv) Local Commissioners are permitted to take photographs/videos of the impugned materials, products bearing the impugned designs, and the defendant's premises so visited;
- (v) Local Commissioners shall seize any and all products/materials, stationery, goods, books of accounts etc., bearing the impugned trademark/trade dress/packaging, procured at the premises of the defendant and release it on *superdari* to the representatives of the defendant, with an undertaking that they will not be disposed of except under orders of this Court;
- (vi) Local Commissioners shall inspect and make copies of the account books/ledgers/cash books, bill books, sale records, invoices and all other relevant documents (whether maintained as physical copies or e-records) discovered from the premises mentioned herein above;
- (vii) Local Commissioners are also permitted to break open the locks in case of resistance by the defendant and seek police assistance, if necessary;
- (viii) To ensure unhindered and effective execution of the Commission, the Station House Officer (SHO) of the local police station within whose jurisdiction the premises of defendant lie, is directed to render all necessary assistance and protection to the Local Commissioners, if and when sought;



- (ix) The Local Commissioners, while executing the Commission, shall ensure that there is no disruption to the business of the defendant, except for the purposes of the execution of the Commission. The Commission shall be executed in a peaceful manner;
14. The Commission be executed within a period of ten (10) days from the date of receipt of order and the report of the Local Commissioners shall be filed within a period of two weeks thereafter.
15. The fees of the Local Commissioners are fixed at Rs.1,50,000/- (Rupees One Lakh Fifty Thousand only) each, excluding out of pocket expenses, travel, lodging etc., to be borne by the plaintiff and paid in advance to the Local Commissioners.
16. Compliance of Order XXXIX Rule 3 of CPC shall be done within a week after the execution of the Commission.
17. It is directed that this Order **shall not** be uploaded on the Court's website till the execution of the commission is completed within the timeline and parameters directed in paras 13 and 14 above, so as to enable its effective execution.
18. Concerned parties shall comply with the directions in the order without waiting for the certified copy of the same.
19. Accordingly, the application is allowed and is disposed of.
20. Order *dasti* under the signatures of the Court Master.

CS(COMM) 987/2018

21. List on the date already fixed i.e. 28.03.2026 before the learned Joint Registrar (Judl.).
22. List on 22.09.2026 before Court.

TUSHAR RAO GEDELA, J

MARCH 18, 2026/anj

CS(COMM) 987/2018

Page 5 of 5