



2025:DHC:11450-DB



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

+ **FAO(OS) (COMM) 203/2025 & CM APPL. 78491/2025**

ANAND TOMARAppellant

Through: Mr. Mukesh M. Goel, Adv.

versus

POOJA ELECTRIC CO.Respondent

Through: Mr. Vikas Khera, Ms. Sneha Sethia, Mr. Yash Sharma and Mr. Jatin Gautam, Adv.

CORAM:

HON'BLE MR. JUSTICE C. HARI SHANKAR

HON'BLE MR. JUSTICE OM PRAKASH SHUKLA

ORDER (ORAL)

% **15.12.2025**

C.HARI SHANKAR, J.

1. This appeal is directed against order dated 25 September 2025 passed by a learned Single Judge of this Court in IA No. 3702/2025, filed by the respondent, as the plaintiff. The appellant is the defendant before the learned Single Judge.

2. The impugned order reads thus:

“I.A. 3702/2025 (for amendment of the plaint)

1. This is an application filed on behalf of the plaintiff under Order VI Rule 17 of Code of Civil Procedure, 1908 ('CPC'), read with Section 151 CPC, for amendment of the plaint.

2. Learned counsel for the plaintiff states that the issues in this suit have been framed on 18.12.2024. However, subsequently, on 14.01.2025, the plaintiff's trademark application nos. 2990322, 3382660 and 2990321 were allowed and granted registration.



2.1 She states that the full disclosure of the pendency of these applications was already made in the original plaint. She states that by way of the proposed amendment, the plaintiff is only seeking leave to bring the factum of the subsequent registration of these trademark applications on record.

2.2 She states that the registration certificates have been annexed with this application as Document-B.

3. She states that despite several opportunities, the defendant has not filed any response to this application.

4. Learned counsel for the defendant states that he is opposing this application.

5. Having considered the averments made in this application and the stage of the suit, this Court deems it appropriate to permit the plaintiff to bring on record the registration certificates annexed with the captioned application as Document-B, with liberty to rely upon the said certificates while leading evidence.

6. This Court is of the opinion that there is no necessity of separately amending the plaint since all material facts pertaining to the aforesaid trademark applications already exist in the original plaint.

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

8. All rights and contentions of the defendant are left open on the merits of the dispute.”

3. Mr. Vikas Khara, learned Counsel appearing for the respondent, advances a preliminary objection to the effect that this appeal is not maintainable, as an order on an application under Order VI Rule 17 of the Code of Civil Procedure, 1908¹ is not amenable to challenge under Section 13 of the Commercial Courts Act, 2015² read with Order XLIII Rule 1 of the CPC.

4. On a reading of Section 13 of the CC Act read with Order XLIII

¹ “CPC”, hereinafter

² “CC Act”, hereinafter



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Rule 1 of the CPC, we find this position to be correct.

5. The only submission of Mr. Mukesh M. Goyal, learned Counsel for the appellant, by way of response, is that if this view is adopted, the appellant would be rendered remediless.

6. We are not sure that this submission is correct.

7. Nonetheless, it is not for us to express any view thereon as it is clear that the present appeal does not lie under Section 13 of the CC Act read with Order XLIII Rule 1 of the CPC.

8. The appeal is, accordingly, dismissed as not maintainable, without entering into merits.

C.HARI SHANKAR, J

OM PRAKASH SHUKLA, J

DECEMBER 15, 2025/gunn