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

+ **CM(M)-IPD 1/2025 & CM 17/2025**

MR MURTAZA GHEEWALA

.....Petitioner

Through: Mr. Abhishek Verma, Mr. Kunal
Tyagi and Mr. Sanskar Sehgal, Advs.

versus

DEEWAN CHAND OM PRAKASH

.....Respondent

Through: Mr. Deepak Sabharwal, Mr. Anurya
Sabharwal and Ms Isha Dabas, Advs.

CORAM:

HON'BLE MS. JUSTICE MANMEET PRITAM SINGH ARORA

ORDER

% **09.10.2025**

1. This petition has been filed impugning the order dated 08.11.2024 passed by the District Judge dismissing the Petitioner's application under Order VII rule 11 Code of Civil Procedure, 1908 ('CPC') in CS(COMM) 2077/2022.

2. The Petitioner is the original defendant in the suit proceedings.

3. Learned counsel for the Petitioner states that Petitioner has instituted a suit against Suzhou Dake Machinery Co. Ltd ('Suzhou Dake') before the Competent Court in Maharashtra. The details whereof are set out in paragraph 8 of this petition which reads as under:

8. That as it came to the knowledge of the petitioner, the petitioner had filed the civil suit No. 01/2022 on 10.02.2022 against Suzhou Dake Machinery Co. Ltd U/S 134 and 135 of the Trademarks Act, 1999 before the Ld. District and Sessions Court at Thane, Maharashtra. (suit for infringement). The said suit was transferred and pending before the Ld. District and Sessions Court at Bhiwandi,



Maharashtra. The copy of the case status of Civil Suit No. 01/2022 on 10.02.2022 filed by the petitioner against M/s. Suzhou Dake Machinery Co. Ltd U/S 134 and 135 of the Trademarks Act, 1999 is annexed herewith and marked as **EXHIBIT-5**.

4. He states that Petitioner is legitimately enforcing its legal rights against Suzhou Dake Machinery Co. Ltd in Maharashtra.
5. He states that Respondent herein is the authorized dealer of Suzhou Dake Machinery Co. Ltd. and Petitioner herein is aggrieved that Respondent has instituted a suit against the Petitioner herein before the District Court Tis Hazari under Section 142 of the Trademark Act, 1999.
6. He states on instructions that Petitioner will not issue any cease-and-desist notice to the Respondent or take any other legal proceedings against the Respondent herein until there is a favorable injunction/interim order or final order passed in favour of this Petitioner in the civil suit filed before the Court at Maharashtra.
7. He states that in view of the aforesaid statement, this petition be allowed and the suit before the Trial Court be disposed of.
8. He states that he will file an affidavit of the authorized representative.
9. In response, learned counsel for the Respondent states that he is satisfied with the aforesaid submission of the Petitioner and Respondent as well undertakes that it will abide by any interim or final order passed by the Court at Maharashtra in civil suit, with respect to Suzhou Dake Machinery Co. Ltd. He agrees that this petition and the civil suit pending before the Trial Court can be disposed of in terms of the aforesaid submissions of the parties.
10. Learned counsel for the Petitioner states that he will file an affidavit



of its authorized representative within a period of two (2) weeks and serve a copy on the learned counsel for the defendant.

11. The statement of the Petitioner and Respondent is taken on record and they are bound down to the same.

This Court notes that Respondent is the Authorized Dealer of Suzhou Dake Machinery Co. Ltd. and it is observed that Respondent will remain bound by any interim or final order, if any, passed against Suzhou Dake Machinery Co. Ltd. with respect to use of the trademark in the civil suit pending at Maharashtra.

12. In view of the aforesaid, this petition is allowed, with a direction that CS(COMM) 2077/2022 pending before District Court Tis Hazari as well stands disposed of in terms of the submission of the parties directions passed in this order.

13. It is clarified that nothing said in this order is an expression of opinion on the merits of the dispute pending between Petitioner and Suzhou Dake Machinery Co. Ltd. before the Civil Court at Maharashtra.

14. Copy of this order be sent to District Judge, Tis Hazari Courts for information and compliance.

15. The digitally signed copy of this order, duly uploaded on the official website of the Delhi High Court, www.delhihighcourt.nic.in, shall be treated as a certified copy of the order for the purpose of ensuring compliance. No physical copy of order shall be insisted by any authority/entity or litigant.

MANMEET PRITAM SINGH ARORA, J

OCTOBER 9, 2025/hp