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

+ CM(M)-IPD 50/2025, CM 287/2025 & CM 288/2025

M/S VIBHAVA MARKETING CORPORATIONPetitioner

Through: Mr. J. Sai Deepak, Senior Advocate
with Mr. Saket Gogia, Ms. Gauri
Pande, Ms. Sheetal Maggon and Mr.
Deepesh Meena, Advocates.

Versus

GORAMAL HARI RAM LIMITEDRespondent

Through: Mr. Surinder Singh, Advocate.

CORAM:

HON'BLE MR. JUSTICE TEJAS KARIA

ORDER

22.12.2025

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1. This is a Petition under Article 227 of the Constitution of India praying for setting aside the order dated 05.12.2005 (“**Impugned Order**”) passed in CS(COMM) No.185/2022 (“**Suit**”) by learned District Judge (Commercial Court)-01, Tis Hazari Courts, West District, Delhi (“**Commercial Court**”).

2. By way the Impugned Order, the learned Commercial Court dismissed three Applications filed by the Petitioner (**Defendant in the Suit**) as under:

(i) Application under Order VIII Rule 9 read with Section 151 of the Code of Civil Procedure, 1908 (“**CPC**”) seeking permission to file an additional Written Statement;



- (ii) Application under Order VIII Rule 1A read with Order XI Rule 14 read with Section 151 of the CPC to bring additional documents on record; and
- (iii) Application under Order VIII Rule 1A read with Order XI Rule 14 read with Section 151 of the CPC to bring Legal Proceedings Certificates (“**LPCs**”) on record.

3. As regards the Application for filing additional Written Statement, the Impugned Order records that the said Application has been filed after an inordinate and unexplained delay after the conclusion of evidence and at the stage of final arguments and if Petitioner is permitted to file additional Written Statement at that stage, it would result in reopening of evidence and trial of the Suit *de novo*, which will cause irreparable prejudice to the Respondent (**Plaintiff in the Suit**) and abuse of process of Court. Accordingly, the said Application was dismissed with costs of ₹10,000/- to be paid to the Respondent.

4. The second Application filed for placing on record the Trade Mark Registration Certificates pertaining to Marks “MONKEY 555 WONDER WASH” and “MONKEY 555 THUNDER WASH” bearing registration Nos. 5211202 and 5213105, registered on 10.02.2024 and 07.02.2024 respectively (“**Registration Certificates**”), was also dismissed with costs of ₹10,000/- to be paid to the Respondent on the ground that the Registration Certificates were issued more than 15 months ago and during that period the Suit was listed for 13 times, yet the Petitioner never disclosed the existence of the Registration Certificates.



5. The third Application seeking leave to place on record the LPCs of the Trade Mark bearing Nos. 521102 and 5213105 was also dismissed with costs of ₹10,000/- to be paid to the Respondent on the ground that LPCs do not constitute any new or independent document and are nothing but formal authenticated copies of the registrations granted as of 07.02.2024 and 10.02.2024 and obtained only on 29.05.2025 i.e. more than 15 months after the grant of the registrations.

6. The Impugned Order also records that no explanation whatsoever has been provided by the Petitioner, who has been in power and possession of the Registration Certificates and LPCs, as well as for seeking to file the additional Written Statement.

7. This Petition was first listed on 19.12.2025 when after some arguments, the learned Senior Counsel for the Petitioner and learned Counsel for Respondent sought time to take instructions. Accordingly, the matter was listed on 23.12.2025.

8. When the matter was taken up, the learned Senior Counsel for the Petitioner and learned Counsel for Respondent, on the instructions from their respective clients, submitted that without prejudice to their respective rights and contentions in the Suit, the Parties are agreeable to permit the Petitioner to amend the Written Statement to insert the following paragraph after Paragraph No. 2 in the Written Statement as Paragraph No. 2A and place on record the Registration Certificates and LPCs, subject to the payment of costs of ₹1,50,000/- in place of costs of ₹30,000/- in total as imposed *vide* Impugned Order by the Petitioner to the Respondent within a period of four weeks:



“2A. The Defendant, in addition to numerous bona fide registration of its trademarks in classes 3, 5, 10 and 21, have two other bona fide registrations in its favour, in Class 3 that precede the date of institution of suit proceedings, namely,

- a. “MONKEY 555 WONDER WASH” bearing no.5211202 affording user claim since 01.04.2019; and**
- b. “MONEY 555 THUNDER WASH” bearing no.5213105 affording user claim since 02.11.2020.**

Thus, the relief claimed by the Plaintiff qua infringement deserves to be dismissed as not maintainable in law.”

9. It is clarified that as this order is passed by consent of the Parties, the merits of the case have not been examined and the learned Commercial Court shall consider the effect of the amended Paragraph No. 2A in the Written Statement, the Registration Certificates and LPCs during the course of the final hearing of the Suit in accordance with law. The Parties have also agreed that none of them shall lead any additional oral evidence pursuant to this order passed by consent of the Parties.

10. In view of the above, the Impugned Order is modified to the extent as agreed between the Parties hereinabove and the present Petition is disposed of with the aforesaid directions.

TEJAS KARIA, J

DECEMBER 22, 2025
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