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

+ **FAO (COMM) 302/2025**

DABUR INDIA LIMITED

.....Appellant

Through: Mr. Manish K. Mishra and Ms.
Akanksha Singh, Advs.

versus

ANCHOR CONSUMER PRODUCTS

PVT. LTD.

.....Respondent

Through: Mr. Kunal Vats and Mr Shitanshu
Abhishek, Advs.

CORAM:

HON'BLE MR. JUSTICE V. KAMESWAR RAO

HON'BLE MS. JUSTICE MANMEET PRITAM SINGH ARORA

ORDER

% **22.05.2026**

CM APPL. 35180/2026

1. This is an application filed by the appellant with the following prayers:

“a) allow the present application and prepone the hearing of the present appeal being FAO (COMM) No. 302 of 2025 for any earlier convenient date;

b) In alternative, grant leave to the Appellant to file fresh suit against the Respondent on the subsisting cause of action and new cause of action arising out of subsequent facts;

c) pass any such other/further order(s) as this Hon’ble Court may deem fit and proper in the facts and circumstances of the present case.”

2. Suffice to state that the appeal has been filed challenging the order passed by the learned District Judge dated 08.08.2025 whereby the learned District Judge has directed the return of the plaint filed by the appellant herein under Order VII Rule 10 Code of Civil Procedure, 1907 (CPC) as per



the Rules.

3. Learned counsel for the appellant submits that the primary reason for the learned District Judge to return the plaint is in view of the conclusion drawn by the learned District Judge in paragraphs 27 and 30 of the impugned order, which we reproduce as under:

“27. Reverting back to the case at hand, as averred in para no.22 of the plaint, it is being claimed by the plaintiff company that the defendant company has launched/or was planning to launch the products having the impugned tracemark. It is further stated that the plaintiff company could not find any product of the defendant under the impugned packaging. However, through internet search it was revealed that the defendant's website <https://www.anchorglobal.net/> was advertising and offering for sale its product having the impugned trademark. In para 25, it is further averred that the product of the defendant having the impugned trade mark are currently unavailable which surely establishes that the defendant is aggressively marketing its product under the impugned packaging and is targeting the customers all over India including Delhi.

...

30. The averments, as made in the plaint, are lacking the said test, as noted herein above. In the absence of any sale within the jurisdiction of this court, the probability of the public being deceived would not be present. As per the case of the plaintiff, the impugned product is not available for sale on e-platform also, therefore, this would also not be sufficient to confer the jurisdiction to this Court. Plaintiff was supposed to show that defendant has purposefully availed of the jurisdiction of this Court by entering into a commercial transactions. There would have to be a real commercial transaction. In this regard, the plaint is lacking the requisite averments necessary for conferring the jurisdiction on this Court. Thus, plaintiff has failed to show that the defendant has engaged in some commercial activity within the jurisdiction of this Court through website or ecommerce platforms.”



4. The learned counsel for the appellant states that though the findings in paragraphs 27 and 30 reveal that the Commercial Court in the facts of the case as existing on the date of filing of the plaint, lacked territorial jurisdiction, but as the appellant has the cause of action to file in Delhi, today, he shall withdraw the appeal to pursue the remedy as available in law. The submission made by the learned counsel for the appellant is contested by the counsel for the respondent.

5. Noting the submission made by the counsel for the appellant, the application is allowed. The appeal is dismissed as withdrawn.

6. Suffice to state that we have not expressed ourselves on the merits of the issue which arises for consideration in this appeal and also on the submission made by the counsel for the appellant as noted above.

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7. The date already fixed i.e., 09.07.2026 is cancelled.

V. KAMESWAR RAO, J

MANMEET PRITAM SINGH ARORA, J

MAY 22, 2026/msh