



2026:DHC:936-DB



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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ RFA(COMM) 695/2025, CM APPL. 77901/2025 & CM APPL.
79733/2025

RASHI SANTOSH SONI & ANR.Appellants
Through: Ms. Archana Sahadeva, Ms.
Jaspreet S Kapur, Ms. Shweta and Mr.
Wasim Ansari, Advs.

versus

MR. RAJESH SHARMA & ORS.Respondents
Through:

CORAM:
HON'BLE MR. JUSTICE C. HARI SHANKAR
HON'BLE MR. JUSTICE OM PRAKASH SHUKLA

JUDGMENT (ORAL)
03.02.2026

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C.HARI SHANKAR, J.

1. This is a somewhat peculiar case in which the learned Commercial Court has dismissed a suit on the sole ground that the Local Commissioner¹ who was appointed in the matter had visited two premises of the respondent, though she was directed, by the order appointing her, to visit one.

2. The appellants were the plaintiffs before the learned District Judge (Commercial)-02 Central, Tis Hazari Courts² in CS(Comm)

¹ "LC" hereinafter
² "learned Commercial Court" hereinafter



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667/2024³. The suit alleged infringement, by the respondents, of copyright and design rights held by the appellants in respect of Tower Fans.

3. On 1 June 2024, the learned Commercial Court granted an *ex parte ad interim* injunction in favour of the appellants and against the respondents and appointed LCs to visit the premises of the respondents and effected search and seizure.

4. The order dated 15 November 2025 of the learned Commercial Court, under challenge in this appeal, notes that fact that the LC, who is a practicing advocate, visited premises other than those which she was required to visit as per the order appointing her. In this regard, we deem it appropriate to reproduce the following passages from the impugned judgment, thus:

“To the utter surprise of this Court it is found that apparently Ld. LC Ms. Charu Aneja, in collusion with the two plaintiffs and Ld. Counsel for the plaintiffs, actually raided a place qua which no direction was issued. This act of the above plaintiffs is fraudulent and is in clear violation of directions issued by Ld. Predecessor of this Court. If the plaintiffs were interested in carrying out search and seizure/raid at 2 places, they could have requested the Court to add additional addresses. Once the order specifically mentions that raid has to be carried out at one place only, it does not lie either with the plaintiff and their counsels or with the Local Commissioner who is actually extension of the Court by becoming eyes and ears of the Court to transgress the direction issued. This act of the plaintiffs and the Local Commissioner is not only a grave and serious misconduct but is also akin to Contempt of Court.

Through a catena of judgments not only Hon’ble Supreme Court but Hon’ble High Court of Delhi has ruled that Courts, especially Civil Courts, are Courts of Equity and one who seeks



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equity must do equity. *Scandalous litigations, scandalous pleadings and scandalous actions and omissions in Courts in violation of judicial directions are not to be accepted.* I do not find any plea whatsoever that plaintiffs had asked for carrying out search and seizure at two places including the address of Defendant no. 4.”

(Emphasis supplied)

5. The learned Commercial Court has, thereafter, referred to various judgments dealing with clever drafting and creating illusory causes of action by suppressing material facts and camouflaging pleadings, filing of frivolous and scandalous litigations, and the like. We are completely at a loss as to how these decisions are of any relevance in the present case.

6. Following reference to these judgments, the learned Commercial Court has concluded the impugned order, thus:

“In the light of the above celebrated judgments and the fate of suits is sealed by the fraudulent conduct of plaintiffs. Such litigants do not have any right to continue this suit. Suit of the plaintiff is accordingly dismissed. *Owing to fraudulent and scandalous conduct of the plaintiffs they are imposed a cost of Rs.1 lakh each to be deposited with Advocates’ Welfare Fund, Delhi Bar Association. Both the plaintiffs are imposed additional cost of Rs.25,000/- to be paid to defendant no. 1 Rajesh Sharma who was constrained to engage a counsel Sh. Kamal Garg.*

In case costs are not deposited within 2 weeks the President, Secretary of Delhi Bar Association and Ld. Counsel for Defendant no. 1 are at liberty to move execution petition. Copy of the order be sent to them.

File be consigned to Record Room after due compliance.”

(Emphasis supplied)

7. It is obvious, at a bare glance, that the impugned order cannot



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sustain for a minute. We have queried of learned Counsel for the respondents as to whether there is any provision of the Code of Civil Procedure, 1908 under which such an order could have been passed. He is unable to refer us to any provision.

8. We, too, are unaware of any provision under which, because an LC visits premises other than which she, or he, is required to visit, the suit of the plaintiff could be dismissed.

9. Besides, we note that the impugned order makes adverse observations against the appellants, its Counsel as well as the LC. Findings of collusion between the LC and the appellants' Counsel have been returned, without an iota of supportive material cited in that regard or, for that matter, even the basis of the said assumptions of collusion being forthcoming.

10. Worse, the learned Commercial Court did not even deem it appropriate to afford an opportunity to the appellants' Counsel or to the LC to show cause, before returning such findings.

11. Findings of collusion are extremely serious. When returned against practicing Counsel, they take on a different hue altogether.

12. The Supreme Court has, times without number, cautioned courts to be circumspect in their observations especially while commenting on practicing Counsel. The Bar and the Bench are but two limbs of one justice ecosystem, and mutual respect and concern for each other is essential to ensure that the stream of justice flows on,



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clear and unsullied.

13. We record our unhappiness at the findings of the learned Commercial Court, insofar as they are adverse to the Counsel appearing for the appellants, the LC and allege collusion between them. We find no basis whatsoever to support the finding of collusion. The said findings, accordingly, stand expunged.

14. In fact, we are of the opinion that the LC acted with utmost propriety. It is normal for a Court, while appointing an LC, to authorise the LC not only to visit the premises disclosed in the plaint but also any other premises at which infringing goods may be found to be present. In the present case, at the time of appointing the LC, this additional authorisation was not entered in the order. The LC, in fact, despite finding infringing goods at the first premises, did not seize the goods because she was not authorised to do so. We do not see how, in such circumstances, any impropriety in conduct could be alleged against the LC.

15. We are unable to sustain the impugned order either on facts or in law.

16. The order is accordingly quashed and set aside.

17. CS (Comm) 667/2024 stands restored to its original position.

18. List the suit before the learned Commercial Court on 25 February 2026 in order for further proceedings in accordance with



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law.

19. The appeal stands allowed in the aforesaid terms.

C.HARI SHANKAR, J

OM PRAKASH SHUKLA, J

FEBRUARY 3, 2026/AR

Signature Not Verified

Digitally Signed By: ARFA (COMM) 695/2025
KUMAR
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