



2026:DHC:1826



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

% Judgment delivered on: 28/02/2026

+ **CS(COMM) 983/2024**

**BRITANNIA INDUSTRIES LTD** .....Plaintiff

versus

**DESI BITES SNACKS P LTD & ORS.** .....Defendants

**Advocates who appeared in this case**

For the Plaintiff : Mr. Sachin Gupta, Mr. Rohit Pradhan, Mr. Adarsh Agarwal, Ms. Prashansa Singh, Ms. Mahima Chanchalani, Ms. Diksha and Mr. Ajay Kumar, Advocates.

For the Defendants : Mr. Sudeep Chatterjee, Mr. Kunal Vats and Mr. Sanyam Suri, Advocates for D1 & 2.

**CORAM:**  
**HON'BLE MR. JUSTICE TEJAS KARIA**

**JUDGMENT**

**TEJAS KARIA, J**

**CRL.M.A. 12448/2025 (for initiation of perjury proceedings against the Plaintiff and Accused No. 2) / I.A. 8021/2025(U/O VI Rule 17 of the CPC) / I.A. 8053/2025(U/O I Rule 10 of the CPC)**

1. I.A. 8021/2025 is an application filed by the Plaintiff under Order VI Rule 17 read with Section 151 of the Code of Civil Procedure, 1908 (“CPC”) seeking amendment of the Complaint and I.A. 8053/2025 is an application filed



by the Plaintiff under Order I Rule 10 of the CPC seeking impleadment of M/s Jai Food Products and Mr. Roop Chand Agarwal as Defendant Nos. 4 and 5 in the present Suit.

2. CRL.M.A. 12448/2025 is an application filed by Defendant Nos. 1 and 2 under Section 379 read with Section 215 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (“**BNSS**”) seeking initiation of the perjury proceedings against Mr. Omar Waziri and the Plaintiff.

**FACTUAL BACKGROUND AND PROCEDURAL HISTORY:**

3. The present Suit has been filed by the Plaintiff against the Defendants seeking permanent injunction restraining the Defendants from dealing in confectionary / sweetmeats / food products, namely *soan papdi*, under the Mark ‘GOOD DAY’ (“**Subject Mark**”).

4. The Plaintiff filed I.A. 44302/2024 under Order XXXIX Rules 1 and 2 of the CPC seeking interim injunction restraining the Defendants from dealing in confectionary / sweetmeats / food products, namely *soan papdi*, under the Subject Mark. *Vide* order dated 07.11.2024, this Court granted *ex-parte ad-interim* injunction in favour of the Plaintiff, restraining the Defendants from dealing in confectionary / sweetmeats / food products including but not limited to *papad* or any other product under the Subject Mark.

5. Thereafter, the Defendants filed I.A. 4348/2025 under Section XXXIX Rules 3 and 4 of the CPC for vacating the *ex-parte ad-interim* injunction order dated 07.11.2024 passed by this Court. *Vide* order dated 18.02.2025, the *ex-parte* injunction order passed by this Court on 07.11.2024 was vacated with the consent of the Parties. Further, the matter was referred to the Delhi High



Court Mediation and Conciliation Centre for Mediation with the consent of the Parties.

6. The Plaintiff, thereafter, filed I.A. 8053/2025 under Order I Rule 10 of the CPC seeking impleadment of M/s Jai Food Products and Mr. Roop Chand Agarwal as Defendant Nos. 4 and 5 respectively, and I.A. 8021/2025 under Order VI Rule 17 of the CPC seeking amendment of the Plaint. *Vide* order dated 16.04.2025, this Court issued Notice in both the aforesaid Applications filed by the Plaintiff.

7. Defendant Nos. 1 and 2 filed CRL.M.A 12448/2025 for initiation of perjury proceedings under Section 379 read with Section 215 of the BNSS. *Vide* order dated 25.04.2025, this Court issued Notice in the said Application.

8. *Vide* order dated 21.11.2025, after hearing the Parties, this Court reserved the order in these Applications.

**SUBMISSIONS ON BEHALF OF THE DEFENDANTS:**

9. The learned Counsel for the Defendants made the following submissions:

9.1. The object and purpose of the Statement of Truth, as introduced by way of the Commercial Courts Act, 2015 with corresponding amendments in CPC, is to ensure that the averments/statements made by the Parties, in their respective pleadings, are gospel truth. This is evident from the parliamentary debate held in respect of the Commercial Courts, Commercial Division and Commercial Appellate Division of High Courts Bill, 2015, wherein it has been duly incorporated that any incorrect/untrue



statements made in the pleadings or in the affidavit, shall attract the penal provisions of perjury.

- 9.2. The Plaintiff, on bare reading, gives an impression that Defendant Nos. 1 and 2 are new entrants in the market and have recently adopted the Subject Mark. Further, in order to create false urgency, the Plaintiff stated on oath that it became aware of the Defendant's product bearing the Subject Mark, only in the third week of October 2024. The Plaintiff, while referring to the pictures of the Defendants' products, has further asserted that the Defendants have recently adopted the Subject Mark, and have commenced the marketing activities closer to the filing of the present Suit.
- 9.3. One of the directors of Defendant No.1 Company – Mr. Roop Chand Agarwal, adopted the Subject Mark on 05.01.1999 and since then, the same is being used continuously and uninterruptedly. Thereafter, Mr. Roop Chand Agarwal, filed a Trade Mark application bearing no. 1157370 on 11.12.2002 for the registration of the said Mark, in respect of 'Papad', in Class 30. The said application was accepted by the Trade Marks Registry and accordingly, the registration certificate was issued to Mr. Roop Chand Agarwal on 29.08.2005.
- 9.4. The fact that the Subject Mark is registered and has been in use since the year 1999, is also in the knowledge of the Plaintiff as the Plaintiff itself has even sought rectification bearing no. 265400 to the said registration, in the year 2018. This material



fact has been mischievously chosen to be withheld from this Court in the present Suit. Further, to supplement this suppression, the Plaintiff has even masked the correct identity of Defendant No.1 by filing an incorrect MCA record of one 'Desi Bites Foods Pvt. Ltd.' which is not the name of Defendant No. 1. Had the correct name of Defendant No.1 been searched on the MCA website, the same would have revealed that the registered proprietor of the Subject Mark is one of the Directors in the company. Even a simple Google search regarding Defendant No.1 reveals the complete details of the company including the name of the director, i.e., Mr. Roop Chand Agarwal.

- 9.5. The Plaintiff has averred in the Plaint that Defendant No.1 is also dealing in *papad*, however, it has chosen to base its claim on *soan papdi* only, so as to conceal the factum of Mr. Roop Chand Agarwal dealing in *papad* since the year 1999. This shows that the Plaintiff was all throughout aware of the correct factual position *qua* the Defendants, but chose to suppress the same. Further, the Plaintiff has mentioned the correct address of Defendant No.1 only in the Memo of Parties, while deliberately citing the incorrect address of the wrong entity, specifically in Paragraph No. 20 of the Plaint.
- 9.6. It is incorrect to suggest on the part of the Plaintiff that it was not aware of the association between Defendant No.1 company and the proprietor of the Subject Mark - Mr. Roop Chand Agarwal as *firstly*, the correct MCA record and a simple search on Google



would have revealed that Mr. Roop Chand Agarwal is a director in Defendant No.1 company; *secondly*, the products procured by the Plaintiff at the time of filing of the Suit, bear the same Mark/logo, which form subject matter in the Rectification bearing No. 265400 filed by the Plaintiff against the registration of the said Mark in favour of Mr. Roop Chand Agarwal; and *lastly*, the Plaint also discloses that the Defendants are dealing in *papad*.

- 9.7. The Applications filed by the Plaintiff are only for the purpose of whitewashing its illegal conduct. The Defendants, in their Written Statement, have *inter alia*, adopted a defence of misrepresentation, concealment and falsehood on behalf of the Plaintiff. Such defence, by its very nature, questions the maintainability of the Suit. It is a settled position of law that by way of an amendment, the Plaintiff cannot rob the defendant of a defence that has already been accrued in its favour. Therefore, if the Plaintiff's Applications are allowed, it would amount to whitewashing the allegation of suppression, which is impermissible in law. In support of its contention, the Defendants have relied upon the decisions in *Aura Synergy India Ltd. v. New Age False Ceiling Co. (P) Ltd.*, 2018 SCC OnLine Del 9911 and *Huntsman International (India) Private Limited v. Abiss Textile Solutions Private Limited*, 2018 SCC OnLine Del 7545.



10. In view of the foregoing submissions, Defendants have prayed to allow the perjury application being CRL.M.A. 12448/2025 and dismiss the Plaintiff's applications being I.A. 8021/2025 and I.A. 8053/2025.

**SUBMISSIONS ON BEHALF OF THE PLAINTIFF:**

11. The learned Counsel for the Plaintiff advanced the following submissions:

- 11.1. Defendant No. 1 company does not have any registration for the Subject Mark in any class. The registration for the Subject Mark in class 30 bearing no. 1157370 is only for 'papad', and is in the name of Mr. Roop Chand Agarwal, who is trading as M/s Jai Food Products. Mr. Roop Chand Agarwal does not have any registration of the Subject Mark for other goods such as *soan papdi*, ethnic snacks, etc.
- 11.2. Mr. Roop Chand Agarwal's application bearing no. 3264933 dated 20.05.2016 for the registration of the label 'GOOD DAY' in class 30 for sweets, namkeen, spices, instant mixes and ice-cream, was refused due to multiple applications of the Plaintiff were cited against the said application. As the said refusal order was not challenged, it has attained finality.
- 11.3. The representative of the Plaintiff who signed the Plaint had joined the Plaintiff organization in the year 2021, and was not aware of the cancellation proceedings, which commenced in the year 2018. Therefore, it was an inadvertent error on behalf of the Plaintiff and for that reason the *ex-parte* injunction order dated 07.11.2024 was vacated with the Plaintiff's consent. Reliance



was placed on this Court's decision in *Sona BLW Precision Forgings Ltd. v. Sona Mandhira (P) Ltd.*, 2023 SCC OnLine Del 1118, to submit that the Plaintiff cannot be condemned indefinitely for concealment and the element of public interest has to be protected.

- 11.4. As per the MCA records, Defendant No. 1's correct address is "151, Mardhura Nagar, Opp. Mahila Police Station, Bikaner, Rajasthan - 334001" whereas the address in the Memo of Parties is "New Khasra No.-153/2021, Sidhi Vinayak Industrial Area, Sahajbardarana, Sri Ganganagar Road, Bikaner - 334001", which is taken from the packaging of the Defendants' products.
- 11.5. The Defendants' packaging shows that the name of Defendant No. 1 entails 'DESI' and 'BITES' as two separate words, whereas the MCA record shows the same as one word 'DESIBITES' without any space in between. Therefore, it is clear that as "DESI BITES SNACKS PRIVATE LIMITED." and "DESI BITES FOODS PRIVATE LIMITED" are deceptively similar, which it led to confusion on the Plaintiff's part and caused inadvertent error in filing the Company Master Data of Defendant No. 1. Hence, there was no attempt on the Plaintiff's part to conceal or misrepresent the details of Defendant No.1 company.
- 11.6. I.A. 8021/2025 under Order VI Rule 17 read with Section 151 of the CPC seeks the amendment of the Plaint in accordance with paragraph no. 12 of the application for disclosing the pending



rectification petition between the Parties against the Subject Mark bearing Application No. 1157370 in class 30, registered in favour of Mr. Roop Chand Agarwal trading as M/s Jai Food Products, who is allegedly a director of Defendant No. 1. Further, the Plaintiff also seeks to disclose the history of the refused Trade Mark Application bearing Application No. 3264933, seeking registration of the label 'GOOD DAY' in class 30, in favour of Mr. Roop Chand Agarwal.

- 11.7. The above averments are necessary for determining the real question in controversy between the parties, i.e., whether there was infringement of the Subject Mark by the Defendants. Further, no prejudice would be caused to the Defendants if the said application is allowed.
- 11.8. Further, I.A. 8053/2025 under Order I Rule 10 of the CPC seeking impleadment of M/s Jai Food Products and Mr. Roop Chand Agarwal as Defendant Nos. 4 and 5 in the present Suit on the ground that the Subject Mark bearing Application No. 1157370 in class 30, is registered in the name of Defendant No. 5, who is the proprietor of Defendant No. 4. This application deserves to be allowed as Defendant Nos. 4 and 5, under the guise of Defendant Nos. 1 and 2, are engaged in dealing with products bearing the Subject Mark, and therefore, their impleadment is necessary for the proper adjudication of the present Suit.



12. In view of the foregoing submissions, it is prayed that the Defendants' perjury application being CRL.M.A. 12448/2025 be dismissed and the Plaintiff's applications being I.A. 8021/2025 and I.A. 8053/2025 be allowed in the interest of justice.

**ANALYSIS AND FINDINGS:**

13. Heard the learned Counsel for the Parties and perused the material placed on record.

14. It is the Defendants' case that appropriate proceedings shall be initiated under Section 379 read with Section 215 of the BNSS against Mr. Omar Waziri and the Plaintiff for making false statements on oath. *Per contra*, the Plaintiff vehemently opposed the Defendants' case and argued that no case is made out for initiation of proceedings under the aforesaid provisions.

15. Before adverting to the merits of the case, it is apposite to discuss the settled position of law regarding the initiation of proceedings under Section 379 read with Section 215 of the BNSS. In ***Himanshu Kumar v. State of Chhattisgarh***, (2023) 12 SCC 592, the Supreme Court observed as under:

*“79. The law under Section 340CrPC on initiating proceedings has been laid down in several of our judgments. Thus in Chajoo Ram v. Radhey Shyam [Chajoo Ram v. Radhey Shyam, (1971) 1 SCC 774 : 1971 SCC (Cri) 331], this Court, in para 7, stated as under : (SCC p. 779)*

*“7. ... No doubt giving of false evidence and filing false affidavits is an evil which must be effectively curbed with a strong hand but to start prosecution for perjury too readily and too frequently without due care and caution and on inconclusive and doubtful material defeats its very purpose. Prosecution should be ordered when it is considered expedient in the interests of justice to punish the delinquent and not merely because there is some inaccuracy in the statement which may be innocent or*



*immaterial. There must be prima facie case of deliberate falsehood on a matter of substance and the court should be satisfied that there is reasonable foundation for the charge.”*

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*81. Both the aforesaid judgments were referred to and relied upon with approval in R.S. Sujatha v. State of Karnataka [R.S. Sujatha v. State of Karnataka, (2011) 5 SCC 689 : (2011) 2 SCC (Cri) 757] . This Court, after setting down the law laid down in these two judgments [Chajoo Ram v. Radhey Shyam, (1971) 1 SCC 774 : 1971 SCC (Cri) 331] · [Chandrapal Singh v. Maharaj Singh, (1982) 1 SCC 466 : 1982 SCC (Cri) 249] concluded : (R.S. Sujatha case [R.S. Sujatha v. State of Karnataka, (2011) 5 SCC 689 : (2011) 2 SCC (Cri) 757] , SCC pp. 694-95, para 18)*

*“18. Thus, from the above, it is evident that the inquiry/contempt proceedings should be initiated by the court in exceptional circumstances where the court is of the opinion that perjury has been committed by a party deliberately to have some beneficial order from the court. There must be grounds of a nature higher than mere surmise or suspicion for initiating such proceedings. There must be distinct evidence of the commission of an offence by such a person as mere suspicion cannot bring home the charge of perjury. More so, the court has also to determine as on facts, whether it is expedient in the interest of justice to inquire into the offence which appears to have been committed.”*

*82. It is clear through from a reading of the aforesaid judgments that there should be something deliberate — a statement should be made deliberately and consciously which is found to be false as a result of comparing it with unimpeachable evidence, documentary or otherwise.”*

16. From a perusal of the above judgment, it is clear that the perjury proceedings under Section 379 of the BNSS, which corresponds to Section 340 of the Code of Criminal Procedure, 1973, read with Section 215 of the BNSS, cannot be initiated on mere surmise or suspicion and that there must



be clear evidence of the commission of the offence of perjury. It follows that only in exceptional circumstances where the Court is of the opinion that perjury has been committed by a party deliberately to secure some beneficial order from the Court, should the perjury proceedings be initiated by the Court. Therefore, perjury proceedings cannot be initiated without due care and caution, and cannot be based on inconclusive or doubtful material, as the same would otherwise defeat the very purpose of initiating such proceedings.

17. It is the Defendants' case that the Plaintiff appears to give an impression in the Complaint that Defendant Nos. 1 and 2 are new entrants in the market and have recently adopted the Subject Mark, in order to create false urgency and has stated on oath that it became aware of the Defendants' products bearing the Subject Mark only in the third week of October, 2024. However, one of the Directors of Defendant No.1 company, i.e., Mr. Roop Chand Agarwal, holds the registration of the Subject Mark bearing No. 1157370 in respect of *papad* in Class 30, and that the said registration is known to the Plaintiff as the Plaintiff itself had sought Rectification bearing No. 265400 of the Subject Mark registered in favour of Mr. Roop Chand Agarwal. Therefore, the Defendants allege that the Plaintiff has mischievously chosen to withhold the said fact from this Court and this suppression is further supplemented by masking the correct identity of Defendant No. 1 by filing incorrect MCA record of one 'Desi Bites Foods Private Limited', which is not the correct name of Defendant No.1. Further, it is also alleged that the address of Defendant No. 1 has also been incorrectly mentioned in the Complaint, whereas the correct address was mentioned in the Memo of Parties.



18. Additionally, it is claimed by the Defendants that the Plaintiff has chosen to base its claim only on *soan papdi* as the Plaintiff was aware and wanted to conceal that Mr. Roop Chand Agarwal was dealing in *papad* under the Subject Mark since the year 1999. It is also alleged by the Defendants that the Plaintiff was aware of the association between Defendant No. 1 company and the proprietor of the Subject Mark in class 30 in respect of *papad* products, i.e., Mr. Roop Chand Agarwal.

19. The Plaintiff has admitted that there was an inadvertent error on the Plaintiff's part to disclose the pending rectification petition filed by the Plaintiff in the year 2018, seeking rectification of the Subject Mark in class 30 in respect of *papad* products, registered in the name of Mr. Roop Chand Agarwal. Based on the said admission, the Defendants have argued that the Plaintiff was aware that the Defendants were using the Subject Mark, and despite such knowledge, the Plaintiff created false urgency by claiming that the Plaintiff became aware of the Defendants' products bearing the Subject Mark in the third week of October 2024.

20. However, there is no force in the Defendants' contention. Perusal of the record does not suggest that the Plaintiff was aware of the connection between Defendant No. 1 and Mr. Roop Chand Agarwal, in whose name the Subject Mark is registered in respect of *papad* in class 30. The Plaintiff had filed incorrect MCA record of Defendant No. 1, wherein the name of the company was mentioned as "DESI BITES FOODS PRIVATE LIMITED" instead of Defendant No.1's correct name, i.e., "DESIBITES SNACKS PRIVATE LIMITED". Therefore, the name of the company wrongly included a space



between the words “DESI” and “BITES”, in addition to inclusion of the word “FOODS” instead of “SNACKS”.

21. Perusal of the packaging of the Defendants’ products makes it clear that the Defendants have also wrongly mentioned Defendant No.1 company’s name as “DESI BITES SNACKS PRIVATE LIMITED” on their products, thereby incorrectly including a space between the words “DESI” and “BITES”. The Plaintiff’s case is based on the Defendants’ products entailing the Subject Mark. Accordingly, it is clear that the confusion crept in on the Plaintiff’s part due to the apparent similarity between the incorrect name of Defendant No. 1 company on the Defendants’ products, i.e., “DESI BITES SNACKS PRIVATE LIMITED”, and the incorrect name of Defendant No. 1 mentioned by the Plaintiff “DESI BITES FOODS PRIVATE LIMITED”, whose MCA records were inadvertently filed by the Plaintiff. Therefore, given that the Defendants themselves have erred in mentioning the correct name of Defendant No.1 company on the packaging of their products under the Subject Mark, it is unfounded that the Plaintiff relying upon the name of Defendant No.1 company mentioned on the Defendants’ product, deliberately filed incorrect MCA record of Defendant No. 1. As the Plaintiff was unaware of the actual identity of Defendant No. 1 company, there is nothing to suggest that the Plaintiff was aware that Mr. Roop Chand Agarwal was connected to Defendant No. 1 as its Director. Hence, it cannot be said that the Plaintiff was aware of the Defendants’ products since 2018 and wrongly claimed that it became aware of it in the third week of October 2024.

22. The Defendants have further claimed that the Plaintiff deliberately based its claim on *soan papdi*, while it was aware that Mr. Roop Chand



Agarwal was also dealing in *papad*, which is evident from perusal of the Plaintiff, and the same was concealed by the Plaintiff. However, perusal of the packaging of the Defendants' *soan papdi* products shows that other available products of the Defendants include *papad*, and therefore, merely relying upon the fact that the Plaintiff has mentioned in the Plaintiff that Defendants' products include *papad*, it cannot be concluded that the Plaintiff was aware that Mr. Roop Chand Agarwal, who was dealing in *papad*, was connected to Defendant No. 1.

23. The Defendants have also alleged that the Plaintiff has deliberately mentioned incorrect address of Defendant No. 1 in the Plaintiff, whereas correct address is mentioned in the Memo of Parties. Perusal of paragraph no. 20 of the Plaintiff makes it clear that the Plaintiff has mentioned both the registered address of Defendant No. 1, i.e., 1414 Block-B, Gaur Global Village Crossing Republik, Ghaziabad, Uttar Pradesh - 201016, and the address on the packaging of the Defendants' products, i.e., Khasra No. -153/3201, Sidhi Vinayak Industrial Area, Sahajbardarana Sri Ganganagar Road 1, Bikaner - 334001. It is also worthwhile noting that the later address is mentioned in the Memo of Parties. While it is true that the registered address as stated above is incorrect, it is based on the incorrect MCA record inadvertently filed by the Plaintiff based on the name mentioned on the packaging of Defendant No. 1. Therefore, it cannot be concluded that the Plaintiff deliberately suppressed or concealed the correct address of Defendant No. 1.

24. It is settled law that perjury proceedings cannot be initiated on mere surmise or suspicion and that there must be clear evidence of the commission of the offence of perjury. In the present case, in view of the foregoing analysis,



it is clear that the Defendants' case is based on mere surmise and conjecture, and there is no unimpeachable evidence against the Plaintiff making out a *prima facie* case for the initiation of proceedings under Section 379 read with Section 215 of the BNSS.

25. Adverting to the issue of amendment of the Plaint, the Plaintiff has placed reliance on the decision of the Supreme Court in *Rajesh Kumar Aggarwal v. K.K. Modi*, (2006) 4 SCC 385, wherein it was observed as under:

**19. While considering whether an application for amendment should or should not be allowed, the court should not go into the correctness or falsity of the case in the amendment. Likewise, it should not record a finding on the merits of the amendment and the merits of the amendment sought to be incorporated by way of amendment are not to be adjudged at the stage of allowing the prayer for amendment. This cardinal principle has not been followed by the High Court in the instant case.**

20. We shall now consider the proposed amendment and to see whether it introduces a totally different, new and inconsistent case as observed by the Hon'ble Judges of the Division Bench and as to whether the application does not appear to have been made in good faith. We have already noticed the prayer in the plaint and the application for amendment. In our view, the amendment sought was necessary for the purpose of determining the real controversy between the parties as the beneficiaries of the Trust. It was alleged that Respondent 1 is not only in exclusive possession of 57,942 shares of GPI and the dividend received on the said shares but has also been and is still exercising voting rights with regard to these shares and that he has used the Trust to strengthen his control over GPI. Therefore, the proposed amendment was sought in the interest of the beneficiaries and to sell the shares and have the proceeds invested in government bonds and/or securities. A reading of the entire plaint and the prayer made thereunder and the proposed amendment would go to show that there was no question of any inconsistency with the case originally made out in the plaint. **The court always gives leave to amend the pleadings of a party unless it is satisfied that the party applying was acting mala fide. There is a plethora of precedents pertaining to the grant or refusal of permission for amendment of**



*pleadings. The various decisions rendered by this Court and the proposition laid down therein are widely known. This Court has consistently held that the amendment to pleading should be liberally allowed since procedural obstacles ought not to impede the dispensation of justice.* The amendments sought for by the appellants have become necessary in view of the facts that the appellants being the beneficiaries of the Trust are not deriving any benefit from the creation of the Trust since 1991-92 and that if the shares are sold and then invested in government bonds/securities the investment would yield a minimum return of 10-12%. It was alleged by the appellants that Respondent 1 is opposing the sale in view of the fact that if the said shares are sold after the suit is decreed in favour of the appellants, he will be the loser and, therefore, it is solely on account of the attitude on the part of Respondent 1 that the appellants have been constrained to seek relief against the same.

[Emphasis supplied]

26. On the contrary, the Defendants contend that the amendment of the Plaintiff should not be allowed in the present case as the same would amount to whitewashing the allegations of suppression and concealment against the Plaintiff, which is impermissible in law.

27. From the above analysis, it is clear that no case has been made out against the Plaintiff suggesting that there was deliberate suppression, concealment or misrepresentation on its part. Therefore, there is nothing on record to satisfy this Court that the Plaintiff's application for amending the Plaintiff is *mala fide* in nature. Additionally, the amendment of the Plaintiff in the present case is necessary to determine the real controversy between the Parties and therefore, this Court must adopt a liberal approach in dealing with the application for the amendment of the Plaintiff to not impede the administration of justice.

28. Moreover, the addition of the proposed Defendant Nos. 4 and 5, i.e., M/s Jai Food Products and Mr. Roop Chand Agarwal respectively, is



necessary in order to effectively determine the real controversy between the Parties to the present Suit, as Mr. Roop Chand Agarwal trading as M/s Jai Food Products, holds the registration of the Subject Mark in class 30 in respect of *papad*.

29. Accordingly, in view of the discussion above, the Plaintiff's I.A. 8021/2025 filed under Order VI Rule 17 read with Section 151 of the CPC seeking amendment of the Plaint, and I.A. 8053/2025 filed under Order I Rule 10 of the CPC seeking impleadment of M/s Jai Food Products and Mr. Roop Chand Agarwal as Defendant Nos. 4 and 5 in the present Suit, stand allowed.

30. The amended Plaint filed along with I.A. 8021/2025 is taken on record. The Plaintiff shall file amended memo of parties within a period of two weeks. Let Summons be issued to the newly added Defendant Nos. 4 and 5. Defendant Nos. 1 to 3 shall file amended Written Statement within a period of 30 days from the date of this Judgement. Defendant Nos. 4 and 5 shall file their Written Statement within 30 days from the date of receipt of Summons. Liberty is granted to the Plaintiff to file Replication(s), if any, within 30 days from the receipt of the Written Statement(s).

31. CRL.M.A. 12448/2025 filed by Defendant Nos. 1 and 2 under Section 379 read with Section 215 of the BNSS seeking initiation of the perjury proceedings against Mr. Omar Waziri and the Plaintiff stands dismissed.

32. In view of the above, I.A. 8021/2025, I.A. 8053/2025 and CRL.M.A. 12448/2025 stand disposed of in the aforesaid terms.

**TEJAS KARIA, J**

**FEBRUARY 28, 2026**

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