



2026:DHC:2755



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

% Order reserved on: 25.03.2026  
Order delivered on: 02.04.2026

+ CS(COMM) 60/2020, I.A. 5528/2020, I.A. 5751/2020, CCP(O) 4/2021, REVIEW PET.89/2021, I.A. 2866/2021, I.A. 2875/2021 & I.A. 2884/2021

MITTAL ELECTRONICS .....Plaintiff

versus

SUJATA HOME APPLIANCES (P) LTD. & ORS. ....Defendants

**Advocates who appeared in this case:**

For the Plaintiff : Mr. Manish Biala and Mr. Devesh Ratan,  
Advocates.

For the Defendants : Mr. Neeraj Grover, Ms. Meenakshi Ogra, Mr.  
Tarun Khurana, Mr. Samrat S. Kang, Mr. Vishnu  
Gambhir, Ms. Chhavi Pande and Mr. Anubhav  
Gupta, Advocates.

**CORAM:**

**HON'BLE MR. JUSTICE TUSHAR RAO GEDELA**

**ORDER**

**TUSHAR RAO GEDELA, J.**

**I.A. 7185/2026 (By D1 for clarification of Order dated 09.09.2020)**

1. Present application has been filed on behalf of defendant no.1 under Section 151 of Code of Civil Procedure, 1908 ('CPC') seeking clarification of the order dated 09.09.2020.
2. Mr. Neeraj Grover, learned counsel appearing for the defendant took this Court through the orders dated 07.02.2020 and 09.09.2020 to submit that the order dated 07.02.2020 was an *ex-parte* interim order passed in



favor of the plaintiff, while the order dated 09.09.2020 was passed after this Court heard arguments on the applications under Order XXXIX Rules 1 & 2 and Order XXXIX Rule 4, CPC. He states that by way of the present application, the defendant seeks clarification of the order dated 09.09.2020 to the extent that the defendant be permitted to use the mark 'SUJATA' as its trade/corporate name only to the extent that the permission to use 'SUJATA' as trademark was permitted in respect of goods like RO systems, water purifiers and water filters. In that, he states that the defendant be permitted to use the name - Sujata Home Appliances only for branding the products like ROs, water purifiers and water filters.

3. In order to substantiate his contentions, learned counsel referred to para 61 of the order dated 09.09.2020 to state that the reference to para 36 of the plaint, which is the prayer clause of the interim injunction application of the plaintiff, in the said order was only in respect of the items/products which preceded the reference to the said para 36. In other words, he contended that while modifying the order dated 07.02.2020, this Court observed, *"The applications are disposed of granting injunction in favour of the plaintiff and against defendants in terms of prayer in para 36 of I.A.No.1751/2020 except for water filters, water purifiers and RO Systems, which the defendants can continue to manufacture and sell under the mark 'SUJATA'"*, which can only mean that for the specified items, the defendants can also use the mark 'SUJATA' as a trade/corporate name. According to him, the exception carved out would inhere in the defendant the right to use the mark 'SUJATA' as its trade name or corporate name.

4. Learned counsel also contended that the aforesaid contention is clearer while reading para 10 and 11 of the order dated 07.02.2020. He stated that while in para 10 of the said order, this Court had granted ex-



*parte* injunction in respect of various products including that of the plaintiffs, it was restricted only to the mark 'SUJATA' as appearing on the said products and not to the defendant using the mark 'SUJATA' as its trade or corporate name. According to him, this becomes more manifest from the reading of para 11. This Court in para 11 had restrained the defendants from using the domain names [www.sujatahomeappliances.com](http://www.sujatahomeappliances.com) and [www.sujataro.com](http://www.sujataro.com). From the above, learned counsel would have the Court infer that restraint from use of the mark 'SUJATA' as trade or corporate name has not been clearly specified and rather, such restraint is conspicuous by its absence. Thus, as per learned counsel, what has not been clearly restrained by specification, cannot be deemed to have been so prohibited.

5. Even otherwise, Mr. Grover would contend that even now, this Court can clarify that the defendants can use the mark 'SUJATA' as trade or corporate name restricted only to the products - water filters, water purifiers and RO Systems as this Court has, by the order dated 09.09.2020 specifically permitted the defendant to use the mark 'SUJATA' for these three products alone. According to him, clarification of this nature would not prejudice the case of the plaintiff inasmuch as the defendants are indeed using the said mark, albeit, under orders of this Court for the aforesaid products.

6. Another leg of his argument was predicated on the prayer in para 36 of the plaintiffs' application seeking stay. He would contend that the prayer paragraph is omnibus with no clear prayer or reference to restraint of defendants from use of the mark 'SUJATA' as trade or corporate name. He would argue that the prohibition sought by the plaintiff was in the passing in a manner as reference and not as the mainstay. Therefore, even the Court



while passing orders dated 07.02.2020 and 09.09.2020 did not specifically bar the use of the said mark as trade or corporate name by the defendant. He stated that what has not been specifically barred cannot be read in merely because of a reference to para 36 of the application in the said orders. He stated that merely because para 36 has been mentioned would not, *ipso facto*, mean that every item mentioned therein gets covered. According to him, if that line were to be toed, then the Courts need not specify the extent of the orders and in respect of which items/products such orders are to apply and merely by inserting reference to the prayer para of the suit or application, interim orders can be passed and sustained. He would contend that this cannot be the correct position in law.

7. *Per contra*, Mr. Biala, learned counsel for the plaintiff stated that the present application is an abuse of process and ought to be dismissed with costs. He invited the attention of this Court to para 14 of the order dated 09.09.2020 to demonstrate the strong objection raised by the plaintiff in respect of not only the mark 'SUJATA' used as a trademark but also as a corporate name by the defendant. At the relevant time, he had relied upon the judgement of this Court in *Montari Overseas Ltd. Vs. Montari Industries Ltd.: ILR (1997) 1 Delhi 64* for this proposition and had resisted the use as a corporate name by defendant no.1 on the ground of contravention of Section 29(6) of the Trade Marks Act, 1999.

8. Further to the above contention, learned counsel would draw attention of this Court to para 56 of the order dated 09.09.2020 where the contention noted in para 14 was discussed and considered. From the observations in para 56, learned counsel would contend that this Court had clearly noted that *Montari Overseas Ltd. (supra)* is not applicable as the said case was purely in the realm of dispute only on adoption and use of the



name of the company by the defendant. While in the present case, the Court observed that defendant no.1 was incorporated in the year 2017 and not dealing with all the home appliances. It also observed that in IA No.4098/2020, the defendant no.1 was not seeking modification of the *ex-parte ad-interim* injunction from this Court. On the anvil of this observation, learned counsel vehemently contends that the Court had made its mind clear that while passing order dated 07.02.2020 and 09.09.2020, the defendant was specifically restrained from using the mark 'SUJATA' as corporate or trade name.

9. In that light, learned counsel would contend that para 61 of the order dated 09.09.2020 has to be now read accordingly and construed in the manner as observed by this Court in para 56 followed by para 61 of the said order.

10. He also contended that while the order was passed on 09.09.2020, there is no reason why the defendant did not ever seek clarification of this nature, more so, as the same defendant had already filed an application as noted in para 56 of the order dated 09.09.2020. He would contend that this application is an abuse of process for the reason that the defendant is trying to wriggle out of the contempt petition filed by the plaintiff in the year 2021. Learned counsel read the prayer clause of IA 4098/2020 to demonstrate that there was no reason why the defendant did not choose to seek this clarification or modification as sought now in the present application.

11. In fact, learned counsel referred to para 4 of the said application to contend that the original trademark owner was running his firm under the name and style Luxmi Enterprises and not Sujata Home Appliances, thus the stand that the defendant will stand to lose if not permitted to use the



mark 'SUJATA' as trade or corporate name is without any factual basis. He would contend that the plaintiff would have no objection in case the defendant is permitted to use the name Luxmi Enterprises as trade or corporate name.

12. Mr. Grover, learned counsel for the defendant in rejoinder reiterates his original arguments.

13. This Court has extensively heard the arguments of learned counsel for the parties, perused the orders dated 07.02.2020 and 09.09.2020 as well as IA 4098/2020 filed by the defendant.

14. At the outset, this Court notes that the orders of which clarification is sought was passed almost 5 years from date. During the interregnum, though the defendant did file an application bearing IA 4098/2020 seeking vacation/modification of the order dated 07.02.2020 seeking various prayers, however, did not seek any clarification in the nature as sought now. No explanation has been tendered as to why (i) similar clarification was not sought in IA 4098/2020; (ii) the present application seeking such clarification has been filed with a delay of 5 years. According to the Court, both aspects would entail dismissal of the application. However, that said, this Court deems it appropriate to still examine the issue, in addition to the above observation.

15. This Court being Court of Record is bound to examine the orders as they appear to be, without adding or deleting any issue therefrom.

16. The plaintiff in its prayer paragraph of the interim application for *ex-parte ad-interim* injunction sought the following relief:-

*"36. It is therefore, respectfully prayed that during the pendency of the suit the Hon'ble Court may be pleased to pass the order restraining the defendants, their directors, partners, owners, dealers, distributors, agents, stockiest and servants, employees, assigns and all other persons acting on their behalf from manufacturing, selling, importing, exporting,*



*offering for sale, advertising, directly or indirectly dealing in Geysers, Water Purifiers, RO Systems, Ionizer, Vegetable Purifier, Juicer, Mixer, Grinder, Heating, Cooling, Ventilating, Steam Generating and Cooling Appliances and other home appliances and accessories thereof under the impugned trade mark Star SUJATA/SUJATA or any other identical and/or deceptively similar mark to the trade mark SUJATA whether using independently or as part of the corporate name, domain name and E-mail address till the disposal of the suit.*

*Any other or further order which this Hon'ble Court may deem fit and proper in the facts and circumstances of the case be also passed in favour of the plaintiff and against the defendant."*

17. On 07.02.2020, an *ex-parte* order in the nature granting the following directions was passed:-

*"10. Consequently, the defendants, their directors, partners, owners, dealers, distributors, agents, servants, employees etc. are restrained from manufacturing, selling, importing, exporting, offering for sale, advertising their products including geysers, water purifiers, RO systems. Ionizer, Vegetable Purifier, Juicer, Mixer, Grinder, Heating, Cooling, Ventilating, Steam Generating and Cooling appliances etc. under the trademark Star SUJATA/SUJATA or any other identical or deceptively similar trademark in terms of prayer in para-36 of the application under Order XXXIX Rule 1 and 2 CPC.*

*11. Defendants are also restrained from using the domain names [www.suiatahomeappliances.com](http://www.suiatahomeappliances.com) and [www.suiataro.com](http://www.suiataro.com) and the email address also till the next date of hearing."*

18. On 04.03.2020, the defendant no.1, the applicant herein, filed an application bearing IA No.4098/2020 seeking the following prayers:-

*"(a) Modify the ex-parte ad-interim injunction order dated 07.02.2020 to the extent of allowing the Applicant/Defendant No.1 Company to manufacture, sell, offer for sale, advertise its products, namely water purifiers and R.O. Systems under its registered trademark "SUJATA";*

*(b) Release the goods/products pertaining to water purifiers and RO systems bearing the trademark "SUJATA", which were seized and sealed by various Local Commissioners in terms of the order dated. 07.02.2020;*

*(c) Impose exemplary punitive costs on the Plaintiff for having obtained the Order dated 07.02.2020 by playing fraud and misleading this Hon'ble Court into passing the ex-parte ad-interim injunction order;..."*



19. After hearing arguments on the aforesaid application, this Court passed the detailed order dated 09.09.2020. The penultimate paragraph is as under:-

*“61. In view of the discussion, the ex parte ad interim injunction dated 7th February, 2020 is liable to be modified for the concealment of material facts by the plaintiff as also on merits. The applications are disposed of granting injunction in favour of plaintiff and against defendants in terms of prayer in para 36 of I.A.No. 1751/2020 except for water filters, water purifiers and RO Systems, which the defendants can continue to manufacture and sell under the mark 'SUJATA'. The goods seized by the learned Local Commissioner and on superdari with defendants are; also released in their favour.”*

20. In the above context, it would be relevant also to extract and consider para 14 and 56 of the order dated 09.09.2020 where this Court had noted the arguments of the plaintiff objecting to any modification in the interim order dated 07.02.2020, even to permit the defendant to use the mark 'SUJATA' as a corporate name and the Court's observations respectively. The said para nos.14 and 56 of the order dated 09.09.2020 read thus:-

*“14. Defendant No.1 and its purported licensor have not filed any proceedings despite being aware of the registration of the plaintiff thereby estopping the defendant No.1 who today alleges non-use of the registered mark by the plaintiff. The plaintiff is not only entitled to an injunction qua the trademark 'SUJATA' used by defendant No.1 but also in respect of 'SUJATA' used as corporate name by the defendant No.1. Reliance is placed on the decision as ILR (1997) 1 Delhi 64 Montari Overseas Ltd. vs. Montari Industries Ltd. and Malhotra Book Depot (supra). The use of registered mark of the plaintiff as the corporate name of defendant No.1 clearly contravenes Section 29 (6) of the TM Act.*

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*56. In Montari Overseas Ltd., the Court was dealing with adoption of the name of the company by the defendant. In the present case defendant No.1 company was incorporated in the year 2017 and is not dealing with all the home appliances. But by I.A. No.4098/2020, the defendant No.1 is not seeking modification of the ex parte ad interim injunction on this count.”*

21. From the overall consideration of the orders and pleadings of the parties, it emerges that the plaintiff had indeed sought an order of restraint



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against the defendant from using the mark 'SUJATA' as its corporate name in prayers of the application at para 36, which was the prayer clause of the interim application. It also emerges that this Court in order dated 07.02.2020, while passing the *ex-parte ad-interim* injunction, had indeed mentioned and referred to prayers in para 36 of the said application. Though, in the order dated 07.02.2020, the Court had, by a separate paragraph, i.e. para 11, restrained the defendant from using the mark 'SUJATA' in the domain names and had made no reference to the corporate name, however, that by itself cannot be construed to mean absence of such restraint. This is for the reason that para 10 of the order dated 07.02.2020 does infact pass directions in terms of para 36 of the stay application. This Court is neither reviewing the said order nor sitting in appeal to read into or delete anything therefrom or infer any meaning other than what comes to fore on the plain reading thereof.

22. That apart, admittedly, the defendant did not seek any clarification of this nature when it filed the IA No.4098/2020 and has not tendered any reason why it did not do so. In fact, this clarification has been sought now for the first time after a passage of 5 years from the passing of the order. This Court can safely infer that the long silence demonstrates that the parties were under no illusion or uncertainty of the directions passed in orders dated 07.02.2020 and 09.09.2020. This is also relevant since the plaintiff had filed an application seeking initiation of contempt proceedings under Order XXXIX Rule 2A CPC in the year 2021 itself on the violation of the defendant's use of the mark 'SUJATA' as its corporate or trade name. Why the defendant did not initiate any such action previously, that too in time, is a mystery.



23. Para 14 and 56 of the order dated 09.09.2020 make it more clear and manifest, the intention of the Court having actually granted restraint of use of the mark 'SUJATA' as corporate name as well. This is clear from the observation in para 56 where it clearly distinguishes the ratio in *Montari's* (*supra*) case in respect of usage of impugned mark as corporate name by defendant and holds that the defendant in IA No.4098/2020 is not seeking modification of the ex-parte ad-interim injunction on this count. Thus, it is beyond reproach or doubt that the Court was cognizant of the directions it had passed on 07.02.2020 and what it was about to pass on 09.09.2020.

24. The argument of Mr. Grover that Court may not read into the directions in the orders dated 07.02.2020 or 09.09.2020 anything not specified, though seems attractive, yet do not muster any weight. This is for the reason that not only did this Court in the order dated 07.02.2020 refer to para 36 of the prayer clause of the stay application, but in the order dated 09.09.2020, under para 56 and ultimately para 61, expressly reiterated the directions "*in terms of para 36*" of the application with some modifications. This Court needs no reiteration nor substantiation as to the purport and intention behind the aforementioned two orders.

25. Moreover, this Court is of the opinion that the modification in para 61 of the order dated 09.09.2020 draws an exception to the directions in order dated 07.02.2020 and does not supplant the directions in para 10 and 11 of the order dated 07.02.2020. Thus, the exception only removes what was hitherto before encompassed within the original order without, in any manner, touching upon or tinkering with the remaining parts of the directions.

26. Thus, in view of the above, this Court is unable to accede to the arguments of the defendant and the application is dismissed.



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27. List before the Court on the date fixed.

**TUSHAR RAO GEDELA, J.**

**APRIL 02, 2026/rl**