



\$~17

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

% *Date of Decision: 02nd July, 2026*

+ CM(M)-IPD 36/2026

JAIN SHIKANJI PVT. LTD.

.....Petitioner

Through: Mr. O.N. Sharma, Advocate.

versus

SATISH KUMAR JAIN

.....Respondent

Through: Mr. Rahul Dwivedi and Ms. Amita Singh, Advocates.

CORAM:

HON'BLE MS. JUSTICE JYOTI SINGH

JUDGEMENT

JYOTI SINGH, J. (ORAL)

CM 155/2026 (Exemption)

1. Allowed, subject to all just exceptions.
2. Application stands disposed of.

CM(M)-IPD 36/2026 & CM 154/2026

3. This petition is filed on behalf of the Petitioner under Article 227 of the Constitution of India read with Section 151 CPC challenging order dated 01.06.2026 passed by the learned District Judge (Commercial Court)-01, East District Karkardooma Court Delhi in CS (COMM) No. 171/2021.
4. Issue notice.
5. Mr. Rahul Dwivedi, learned counsel accepts notice on behalf of the Respondent.
6. To the extent necessary, the factual matrix is that Respondent filed the aforementioned suit before the Commercial Court *inter alia* for permanent



and mandatory injunction restraining infringement of trademarks, passing off etc. for the trademark JAIN SHIKANJI/JAIN SHIKANJI PVT. LTD., which is pending disposal. Petitioner herein is the Defendant before the Trial Court and is a company incorporated on 13.11.2019. By order dated 05.11.2022, learned Trial Court granted interim injunction restraining the Petitioner from selling and/or offering for sale any goods and/or advertising or promoting any product under the trademark JAIN SHIKANJI/JAIN SHIKANJI RESTAURANT and/or any other trademark deceptively similar to Respondent's trademark JAIN SHIKANJI.

7. Petitioner filed an appeal before this Court against the said order being FAO(COMM) 185/2022 and vide judgement dated 01.03.2023, the appeal was dismissed and order of the Trial Court was upheld. On 12.11.2022, Respondent served a notice on the Petitioner alleging violation of the injunction order, to which reply was sent by the Petitioner on 24.11.2022 denying the allegations and specifically stating that it had stopped all its trade and business activity under the trademark JAIN SHIKANJI. On 24.11.2022 Respondent filed an application under Order XXXIX Rule 2A CPC owing to willful disobedience of the injunction order dated 05.11.2022 and reply was filed by the Petitioner on 16.01.2023.

8. By order dated 03.06.2023, Trial Court allowed the contempt application and held that Sh. Anubhav Jain, Director of the Petitioner company, had tried to circumvent and flout the orders of the Court in a willful and crafted manner, which amounted to willful disobedience of the order. Considering the totality of circumstances and gravity of the disobedience and the fact that the order was continuing to be violated, Trial Court directed that all properties of the Petitioner or in the name of Mr.



Anubhav Jain from where business of ‘Jain Shikanji/Jain Asli Shikanji/Jain Shikanji Restaurant’ was being run, be attached for a period of six months, whereafter if the disobedience continues, further action will be decided by the Court. Trial Court was also of the view that mere attachment would not suffice and directed that Mr. Anubhav Jain will be confined to civil imprisonment for 08 weeks and consequently, he shall surrender before the Court within 15 days of the passing of the order to receive the sentence, failing which coercive process shall be issued against him.

9. Feeling aggrieved by this order, Petitioner filed an appeal being FAO(COMM) No.130/2023 before this Court and vide order dated 12.06.2023, the direction of the Trial Court to surrender was stayed. However, by final judgment dated 17.09.2025, the appeal was dismissed by the Division Bench and the stay was vacated. Mr. Anubhav Jain was directed to surrender before the Trial Court by 19.09.2025 and Trial Court was directed to give effect to its order dated 03.06.2023. SLP bearing No.28936/2025 filed by the Petitioner against this judgement was dismissed as withdrawn on 15.10.2025 and subsequently, Review Petition bearing No.633/2025 filed before the Division Bench of this Court was also dismissed as withdrawn on 19.12.2025, whereupon Petitioner filed an application under Section 151 CPC before the Trial Court and an affidavit tendering unconditional apology with an undertaking to comply with the order dated 05.11.2022 in letter and spirit, which was dismissed by the Trial Court vide impugned order dated 01.06.2026. Trial Court has by the impugned order declined to accept the unconditional apology noting the conduct of Mr. Anubhav Jain, who refused to appear in Court despite directions to do so as also the fact that despite being held guilty of violating



Court orders and direction of this Court to surrender, he had absconded and was making mockery of law. Fresh warrants of arrest have been issued against him in addition to warrants of attachment of the properties mentioned therein and exemplary cost of Rs.5 lacs has been imposed to be paid to the Respondent as compensation for delaying the case.

10. Learned counsel for the Petitioner takes a position that Mr. Anubhav Jain had every intent to appear before the Trial Court and also comply with the Court orders and directions and the non-appearance was unintentional and *bona fide*. On one hand, it is contended that despite request, Trial Court did not permit Mr. Anubhav Jain to appear through video conferencing, which cannot be denied as that is now the normal norm and also permitted as per laid down rules and guidelines in all Courts and on the other hand, it is submitted that the non-appearance was owing to the fact that Mr. Anubhav Jain was under stress. Counsel urges that the impugned order directing issuance of warrants of arrest and attachment of properties as also imposing exemplary cost be set aside and direction be issued to the Trial Court to accept the unconditional apology tendered on affidavit.

11. Learned counsel for the Respondent vehemently opposes the petition and submits that the impugned order is justified and legally valid, looking at the conduct of Mr. Anubhav Jain and the judicial orders passed by this Court and the Trial Court holding him guilty of willful disobedience of the injunction order as also orders directing him to surrender, which have been upheld by the Supreme Court. Counsel also draws the attention of the Court to paragraph 4 of the apology affidavit in which Mr. Anubhav Jain has stated that he did not comply with the order of this Court under a *bona fide* impression that he will get the order set aside from the higher Court as he



has a good case on merits as also the fact that there is nothing in the affidavit which even remotely explains why he chose not to appear personally in Court when directed by the Trial Court coupled with the direction of this Court to surrender by a fixed date.

12. I have heard learned counsels for the parties and examined their submissions.

13. Factual narrative and chronology of events of the case, as noted above, shows that Mr. Anubhav Jain violated and willfully disobeyed the interim injunction order dated 05.11.2022 granted by the Trial Court, which was upheld by this Court in FAO(COMM) 185/2022 vide judgement dated 01.03.2023. Contempt application filed by the Respondent was allowed vide detailed order dated 03.06.2023, wherein the Trial Court made serious observations on the conduct of Mr. Anubhav Jain, who is the Director of the Petitioner company. It was observed that Mr. Anubhav Jain tried to circumvent and flout the orders of the Court and was not deserving of any concession or acceptance of unconditional apology and that the disobedience continued. Consequently, Trial Court directed the properties mentioned therein to be attached for a period of six months whereafter if the disobedience continued, further decision will be taken. Holding that mere attachment will not suffice, Court directed that Mr. Anubhav Jain shall be confined to civil imprisonment for 08 weeks and will surrender within 15 days from the date of the order, failing which coercive action will be taken.

14. Petitioner challenged the order before this Court in FAO(COMM) 130/2023 and *albeit* initially the direction to surrender was stayed, vide judgment dated 17.09.2025, the Division Bench dismissed the appeal. The



judgment reflects serious observations against Mr. Anubhav Jain by the Division Bench including the fact that even on the said date, the interim injunction was being violated. Division Bench observed that Petitioner company and Mr. Anubhav Jain continued to violate the orders of the Trial Court as also undertakings given to this Court with impunity and without any regret and the violation was willful as also that there was a repeated attempt to mislead the Court by filing false affidavits and undertakings without any intent to abide by them. With these observations in the backdrop, the interim order was vacated and Mr. Anubhav Jain was directed to surrender before the Trial Court by 19.09.2025 and Trial Court was directed to give effect to the punishment awarded vide order dated 03.06.2023. It was also observed by the Division Bench that instead of purging the contempt, the same was compounded by committing further contempt during the pendency of the appeal. This order was challenged by the Petitioner before the Supreme Court but the SLP was dismissed as withdrawn on 15.12.2025.

15. The impugned order of the Trial Court indicates that Mr. Anubhav Jain did not surrender before the Trial Court and the Non-Bailable Warrants initially issued against him came back unexecuted with a report that he was not traceable. Mr. Anubhav Jain filed an application for accepting unconditional apology on an affidavit but neither surrendered nor appeared physically before the Court. As the order reflects, Court specifically instructed his counsel to ensure that he appears personally and even passed over the matter, but Mr. Anubhav Jain did not appear. Trial Court notes that Mr. Anubhav Jain was convicted under Order XXXIX Rule 2A CPC and despite directions to surrender by the Trial Court affirmed by the Division



Bench of this Court, he absconded and is making mockery of law and showing complete defiance and challenging the authority of law with an attitude “*Do Whatever You Want To Do*”. It is in this background that the Trial Court issued fresh warrants of arrest and attachment of properties with exemplary cost of Rs.5 lacs vide the impugned order.

16. Having perused the impugned order as also the earlier orders of the Trial Court and more importantly, the judgment of the Division Bench dated 17.09.2025, upheld by the Supreme Court, I am of the view that there is no legal or factual infirmity in the impugned order. The serious observations of the Division Bench of this Court as also the Trial Court leave no doubt that Mr. Anubhav Jain has no regards for the orders of the Courts and flouts them willfully, deliberately and knowingly, to suit his convenience. Despite a categorical direction of Division Bench of this Court to surrender, Mr. Anubhav Jain only tendered an affidavit of unconditional apology. Trial Court passed repeated directions to him through his counsel to appear but he failed to do so. Counsel for Mr. Anubhav Jain contends that the non-appearance was due to stress. As rightly held by the Trial Court, this could hardly be accepted as a reason for non-appearance in light of judicial orders asking him to surrender and appear. Insofar as the request for appearance through video conferencing is concerned, I may only note that this is contradictory to the stand that Mr. Anubhav Jain did not appear due to stress and secondly, while it may be true that appearance through video conferencing is permissible but in the facts of this case where High Court has directed him to surrender and Trial Court asked him to appear physically to enforce the punishment order as also directions of the Division Bench, it was not open to Mr. Anubhav Jain to insist that he would appear only



2026:DHC:5323



through video conferencing and remain defiant, despite the Trial Court passing over the matter for his appearance.

17. At this stage, counsel for the Petitioner strenuously urges that at least the exemplary cost be reduced and Petitioner shall pay the reduced cost within two weeks from today. Having given my thoughtful consideration, this prayer of the Petitioner is accepted and the exemplary cost is reduced to Rs.3 lacs, which shall be paid by the Petitioner to the Respondent within two weeks from today, as undertaken.

18. For all the aforesaid reasons, the petition is dismissed and the impugned order dated 01.06.2026 passed by the learned Trial Court is upheld with the modification to the extent of reduction in the exemplary cost.

19. Pending application is accordingly disposed of.

JYOTI SINGH, J

JULY 2, 2026
S.Sharma