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IN THE HIGH COURT OF DELHI AT NEW DELHI

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Date of Decision: 31.08.2026

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CNR No. DLHC010295952026

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FAO(OS) (COMM) 167/2026**NUGENESYS PHARMACEUTICALS PVT. LTD. AND ANR,****.....Appellant****Through: Mr. Amar Shankar and Ms. Rohini
Wagh, Advs.****versus****CELAGENEX RESEARCH (INDIA) PVT. LTD. & ANR.****.....Respondent****Through: Mr. Sachin Gupta, Mr. Ajay Kumar,
Mr. Rohit Pradhan, Ms. Anupriya,
Prashansa Singh, Ms. Mahima, Advs.****CORAM:****HON'BLE MR. JUSTICE V. KAMESWAR RAO****HON'BLE MS. JUSTICE MANMEET PRITAM SINGH ARORA****MANMEET PRITAM SINGH ARORA, J. (ORAL)****REVIEW PET. 391/2026**

1. This petition seeks review of the judgment dated 20.08.2026 [‘impugned judgment’] insofar as paragraph nos. 45 to 53 and the last two sentences of paragraph no. 56 are concerned.

2. This review petition has been preferred by the counsel on record for the respondent, and is supported by his personal affidavit. This petition is



therefore not preferred by the respondent, i.e., the plaintiff, but by the counsel in his personal capacity. The counsel on record appeared in person and submitted that he is relying upon the averments made in the application for seeking review.

3. The pleadings in the review petition have been examined keeping these facts in mind.

4. At paragraph no. 4, sub-para-A, of this review petition, the applicant contends that the reliance placed by this Court on the findings of suppression accompanied with imposition of costs of Rs. 10 lakhs, passed by the learned Single Judge, in CS(COMM) 328/2022¹ in the order dated 22.11.2022, for drawing an inference of pattern of suppression ought to be reconsidered. The applicant relies on the initial interim order dated 30.11.2022 passed by the Division Bench in FAO(OS)(COMM) 310/2022², whereby the direction for payment of costs was stayed.

4.1. We find no merit in the said submission. The final order dated 28.10.2025 passed by the Division Bench in FAO(OS)(COMM) 310/2022 setting aside the direction of payment of costs on the consent of the parties was duly noted by this Court at paragraph no. 46 of the impugned judgment. The interim order dated 30.11.2022 passed by the Division Bench has no bearing on the conclusion drawn by us, as regards the existence of a repeat pattern of suppression of documents by the same filing counsel in more than one matter.

¹ Sun Pharmaceutical Industries Ltd. v. DWD Pharmaceuticals Ltd., 2022 SCC OnLine Del 4015

² Sun Pharmaceutical Industries Ltd. v. DWD Pharmaceuticals Ltd., 2025:DHC:9491



5. At paragraph no. 4, sub-para-B, of this review petition, the applicant contends that the reference in the impugned judgment to the findings of suppression of documents in the order dated 16.08.2023 passed by the learned Single Judge in CS(COMM) 283/2023³ is not justified, in view of the factual matrix of the said case as well as the judgment dated 01.07.2026 passed by the Division Bench in FAO(OS)(COMM) 200/2023⁴ accepting the submission of inadvertence for the non-disclosure.

5.1. We find no merit in the said submission. The judgment of the Division Bench dated 01.07.2026, which was authored by us, has been considered and duly discussed at paragraph no. 47 of the impugned judgment. Our conclusion that the proceedings of CS(COMM) 283/2023 is yet another instance of non-disclosure of documents in proceedings filed by the same counsel does not require a review.

6. At paragraph no. 5 of this review petition, the applicant has asserted that the legal notice dated 29.10.2025 and the objections dated 27.01.2026 filed before the Registrar of Trademarks were not brought to the knowledge of the counsel by the respondent/plaintiff. It is contended that had these documents been brought to his attention by the plaintiff, the same would have ordinarily been pleaded as it would have supported the plaintiff's case.

6.1. The said submission of the applicant fails to persuade us for several reasons.

6.2. First, the application is not supported with the affidavit of the

³ Sun Pharma Laboratories Ltd. v. Finecure Pharmaceuticals Ltd. & Ors., 2023 SCC OnLine Del 4932

⁴ Sun Pharma Laboratories Ltd. v. Finecure Pharmaceuticals Ltd. & Ors., 2026 SCC OnLine Del 5065



respondent's representative. The respondent has not taken a stance that it had not informed the counsel.

6.3. Second, the documents in question form part of the bunch of documents filed with the plaint at serial no. 2 under the obscure heading *“Prosecution documents qua the Defendant’s impugned mark RewireX under Application No. 6892520 dated 06.03.2025 in Class 5”*. It is the legal obligation of the filing counsel to peruse and verify each document before filing it with the plaint. Therefore, it is to be presumed that upon perusing the bundle of documents filed at serial no. 2 with the plaint, the filing counsel would have become aware of the existence of these documents.

6.4. In this regard, it would be relevant to refer to the judgment of the Supreme Court in **Saumya Chaurasia v. Directorate of Enforcement**⁵. The relevant paragraph reads as under: -

“13. It cannot be gainsaid that every party approaching the court seeking justice is expected to make full and correct disclosure of material facts and that **every advocate being an officer of the court, though appearing for a particular party, is expected to assist the court fairly in carrying out its function to administer the justice.** It hardly needs to be emphasized that a very high standard of professionalism and legal acumen is expected from the advocates particularly designated Senior advocates appearing in the highest court of the country so that their professionalism may be followed and emulated by the advocates practicing in the High Courts and the District Courts. **Though it is true that the advocates would settle the pleadings and argue in the courts on instructions given by their clients, however their duty to diligently verify the facts from the record of the case, using their legal acumen for which they are engaged, cannot be obliterated.**”

[Emphasis Supplied]

6.5. We also find it apposite to rely on the dicta by the Supreme Court in

⁵ (2024) 6 SCC 401



Jitender @ Kalla v. State of GNCTD & Ors.⁶, wherein the relevant paragraph pertaining to the obligations of an Advocate-on-record to ensure full disclosure by the client is recorded. The same principle applies equally to a filing counsel appearing before the High Court, and the relevant paragraph reads as under: -

“48.1. When a petition/appeal is not drafted by the Advocate-on-Record, the Advocate-on-Record who files it is entirely and wholly responsible to this Court. Therefore, when an Advocate-on-Record receives a draft of a petition/appeal/counter-affidavit from any other advocate, it is his duty to go through the case papers and, thereafter, to carefully go through the petition/appeal/counter-affidavit to ascertain whether correct facts have been stated in the draft and whether all relevant documents are annexed to the petition/appeal/counter-affidavit. After reading the case papers, if he has any doubt, he must get the doubt clarified either by contacting the client or his local advocate. He is responsible for ensuring that he gets correct factual instructions so that there is no suppression of facts while filing petitions/appeals/counter-affidavits. An Advocate-on-Record is answerable to this Court since he has a unique position under the 2013 Rules. Therefore, when incorrect facts are stated in the petition/appeal/counter-affidavit or when material facts or documents are suppressed, the Advocate-on-Record cannot shift the entire blame on either the client or his instructing advocates. Therefore, it is his duty to be cautious and careful. His duty is to file proper proceedings and affidavits before this Court to assist the Court in dispensing justice. He must always be fair to the Court and effectively assist the Court in deciding cases. The duty of the Advocate-on-Record does not end after filing a case or a counter. Even if the counsel appointed by him is not present, he must be ready with the case on law and facts and effectively assist the Court;”

[Emphasis Supplied]

6.6. The legal duty to scrutinise the documents before filing them with the plaint cannot be disclaimed by the counsel on the ground that the client failed to disclose the said documents. For the same reason, the averments made at paragraph no. 2 of the review petition to excuse the inaction would

⁶ (2025) 10 SCC 705



also not discharge the filing counsel of its obligation to ensure full disclosure.

6.7. We therefore find no ground to review our findings on this submission.

7. At paragraph no. 5 of this review petition, the applicant has further impugned the finding of this Court in the impugned judgment with respect to the materiality of the legal notice dated 29.10.2025 and the objections dated 27.01.2026 filed before the Registrar of Trademarks. It is also contended that its non-disclosure ought not to have resulted in dismissal of the interim injunction application and imposition of costs. Similarly, at paragraph no. 6 of the review petition, the applicant seeks to challenge the distinction drawn by us in the impugned judgment with respect to another judgment titled **Jagdish Dahyalal Patel v. Anchor Consumer Products Private Limited**⁷ relied upon by the respondent.

7.1. In our considered view, the said averments in paragraph nos. 5 and 6 seek to challenge the findings of the impugned judgment on the merits and fall outside the purview of the review jurisdiction. Also, the said findings on merits cannot be challenged in a review petition filed by the filing counsel in his personal capacity. Notwithstanding the above, we find no ground to review our findings on the materiality of the suppressed documents on the pleas urged by the counsel.

8. At paragraph no. 3 of this review petition, the applicant has made a peculiar submission. A reference has been made to a judgment dated



24.03.2026 passed by one of us [Manmeet Pritam Singh Arora, J.] as a Single Judge in CS(COMM) 480/2024 titled **Britannia Industries Limited v. Rajat Chawla**⁸ [hereinafter referred to as '**Rajat Chawla**']. In the said judgment, the Single Judge dismissed the interim injunction application against the plaintiff and in favour of the defendant. The applicant contends that while passing the said judgment of **Rajat Chawla** (supra), the Single Judge relied upon a judgment of a Co-ordinate Bench dated 05.04.2021, passed in **Britannia Industries Ltd. v. ITC Ltd. & Ors.**⁹ [hereinafter referred to as '**ITC Ltd.**'] as a precedent. It is contended that the said judgment in **ITC Ltd.** (supra) had, however, been set aside by the Division Bench in FAO(OS)(COMM) 65/2021 *vide* judgment dated 04.08.2021, with the consent of the parties. It is contended that, therefore, the reliance placed by the Single Judge on the said judgment was erroneous. It is pleaded that this illustration of **Rajat Chawla** (supra) has been cited as a parallel of inadvertent reliance also by the Single Judge in relying on a set aside precedent.

It is contended that similarly the non-disclosure of the legal notice dated 29.10.2025 and the objections dated 27.01.2026 in the plaint should be considered as an instance of inadvertence and not a pattern of wilful suppression.

8.1. In our considered opinion, there is no parallel in the wilful act of suppression of documents by the respondent in the plaint which is the subject matter of this appeal and the judgment rendered by the Single Judge

⁷ 2026:DHC:5852-DB

⁸ 2026 SCC OnLine Del 1618

⁹ 2021:DHC:2326-DB



in **Rajat Chawla** (supra) by referring to **ITC Ltd.** (supra). In fact, since one of us is the author of the said judgment, based on the record of the case of **Rajat Chawla** (supra), it is seen that the said judgment of **ITC Ltd.** (supra) was expressly relied upon by the defendant therein in support of its defence. The fact that the said judgment of **ITC Ltd.** (supra) had been set aside by the Division Bench, with the consent of the parties therein, was not brought to the attention of the Single Judge by either party or the counsel therein. Mr. Sachin Gupta, who was the counsel for the plaintiff therein, never raised any such plea before the Single Judge that **ITC Ltd.** (supra) has been set aside in the appeal proceedings. Be that as it may, the correctness or otherwise of the said judgment in **Rajat Chawla** (supra) will be decided in its own proceedings. The reference to the proceedings of **Rajat Chawla** (supra) suit is irrelevant to the present proceedings and cannot form a basis of a review.

9. In view of our findings above, we find that no ground is made out to review paragraph nos. 45 to 53 of the impugned judgment.

10. As regards the last two sentences of paragraph no. 56, whereby costs have been imposed on the respondent for the wilful suppression, we find that the present review petition, having been preferred by the counsel on record in his personal capacity, is not maintainable insofar as it seeks review of the said direction. The counsel, in his personal capacity, has no locus to seek review of an order imposing costs upon the respondent.

11. We note with disappointment that the contents of the review petition reflect a continuing lack of acknowledgement by the filing counsel of his



responsibility as an officer of the Court to ensure full disclosure in a plaint. The applicant fails to accept accountability and instead seeks to apportion the blame to the junior colleagues and the client for the non-disclosure as some kind of justification. In this regard, we can only reiterate our findings in the impugned judgment where we held that, in the light of the established suppression, not vacating the interim injunction would be against the interest of the judicial process.

12. The review petition is accordingly dismissed.

MANMEET PRITAM SINGH ARORA, J

V. KAMESWAR RAO, J

AUGUST 31, 2026/hp/aa