

04.06.2026

ORDER

1. Vide this order I shall dispose of the application under Order VII Rule 11 CPC filed on behalf of the defendant no. 1 seeking rejection of plaint and further adjudicate upon the application filed under Order XXXIX Rule 1 and 2 CPC filed on behalf of plaintiff and application under Order XXXIX Rule 4 CPC filed on behalf of defendant no. 1.

Application seeking rejection of plaint under Order VII Rule 11 CPC

2. By way of the present application under Order VII Rule 11 CPC, Defendant No. 1 seeks rejection of the plaint primarily on the grounds that the plaint does not disclose any cause of action and that the suit is barred by law alongwith other grounds.

3. It is contended on behalf of Defendant No. 1 that the plaintiff's claim of copyright infringement is founded upon a Copyright Assignment Deed allegedly executed by Sh. Raghu Rai in favour of the plaintiff on 13.02.2024. According to the defendant, the said assignment is invalid, ineffective and incapable of conferring any enforceable rights upon the plaintiff. It is specifically contended that the Assignment Deed was executed only after the registration of the FIR and commencement of criminal proceedings between the parties and has been relied upon

merely to create a cause of action in favour of the plaintiff. The defendant has further alleged that the Assignment Deed is a tampered and manipulated document and that the plaintiff has failed to produce the original deed duly executed and stamped in accordance with law. It is further contended that the plaintiff has failed to establish that Shri Raghu Rai was the original author and owner of the copyright in the photographs purportedly assigned; that the plaintiff has not demonstrated that the photographs were the commissioned works in respect of which copyright vested in the commissioner, namely Guruji or the plaintiff Trust; and that no material has been placed on record to show that valid consideration passed under the alleged assignment. On these grounds, it is submitted that the plaintiff has acquired no valid copyright rights under the alleged Assignment Deed. It is further contended that the photographs and images forming the subject matter of the suit have been freely circulated and distributed for several years and have entered the public domain, thereby extinguishing any subsisting copyright therein.

4. It is further the case of Defendant No. 1 that the plaintiff has neither pleaded nor established the existence of any registered trademark in respect of the name “Guruji”, “Guruji Ka Ashram”, any logo or device mark. It is submitted that no cause of action for trademark infringement is therefore made out. The defendant further contends that even a claim for passing off is not maintainable as the essential ingredients thereof, namely goodwill, misrepresentation, and resulting damage, have not been established. It is further contended that the name “Guruji” is a generic and descriptive expression incapable of exclusive appropriation

and, therefore, cannot form the basis of a passing off action. The defendant also submits that the architectural elements alleged to have been copied, including the Shivalinga-shaped structure and the idol of Lord Shiva with water bodies, are universal religious symbols and these architectural features commonly found in Hindu temples and are not capable of exclusive proprietary protection. It is further contended that Defendant No. 1 has never represented that the impugned structure is affiliated with or connected to the plaintiff Trust and, therefore, no likelihood of any confusion or deception amongst the devotees of Guruji arises.

5. Defendant No. 1 has also contended that no cause of action for infringement of copyright in any architectural work is disclosed, as the plaintiff has failed to establish ownership of copyright in the alleged architectural design or any substantial reproduction thereof. It is further submitted that the architectural and religious features relied upon by the plaintiff are common religious symbols and elements which are not capable of exclusive appropriation.

6. Another principal objection raised by Defendant No. 1 is that the plaintiff trust lacks the requisite locus standi and authority to institute the present proceedings. It is contended that upon the demise of the settlor, Shri Nirmal Singh (Guruji), the powers vested in him under the Trust Deed stood extinguished and that no valid Board of Trustees presently exists. It is further submitted that no valid resolution authorizing

institution of the present suit has been produced and, therefore, the suit has not been validly instituted.

7. The defendant has further contended that the present suit is barred by the principles of res judicata and constructive res judicata. In this regard, reliance has been placed upon earlier criminal proceedings initiated by the plaintiff on substantially similar allegations, which, according to the defendant, culminated in a settlement before the Lok Adalat, Ganganagar. It is the case of the defendant that the plaintiff has suppressed the said settlement and the resultant award while instituting the present suit from the Court.

8. Defendant No. 1 has also raised the plea of limitation. It is submitted that, as per the plaintiff's own pleadings and documents, the plaintiff had knowledge of the alleged acts of defendant no. 1 since November 2022, whereas the present suit came to be filed only on 26.12.2025, accordingly, the suit is therefore ex-facie barred by limitation.

9. It is further contended that this Court lacks territorial jurisdiction to entertain the present suit, as the property and activities complained of are situated in Sri Ganganagar, Rajasthan, and no part of cause of action has arisen within the territorial jurisdiction of this Court. The defendant has also disputed the plaintiff's reliance upon online accessibility of content as a basis for conferring jurisdiction.

10. It is submitted that the suit is barred by the principles of estoppel, acquiescence and laches, inasmuch as the plaintiff was allegedly aware of the defendant's activities for a considerable period but failed to take timely action. It is also contended that the valuation of the suit has been arbitrarily fixed only to satisfy the pecuniary threshold prescribed under the Commercial Courts Act, 2015.

11. Defendant No. 1 has further contended that the present dispute is not a "commercial dispute" within the meaning of the Commercial Courts Act, 2015, as the controversy pertains to religious and spiritual activities and not to any commercial transaction or business activity. On this basis, it is argued that the suit is not maintainable before this Commercial Court and Defendant No. 1 has prayed for rejection of the plaint under Order VII Rule 11 CPC..

12. Ld. Counsel for the plaintiff, while addressing her arguments under Order XXXIX Rule 1 and 2 CPC, has addressed arguments on all these points.

I have heard the submissions advanced on behalf of plaintiff, Defendant No. 1 and perused the record.

13. I shall now proceed to examine the aforesaid objections in the light of the averments contained in the plaint and the settled principles governing Order VII Rule 11 CPC.

14. Before advertng to the objections raised by Defendant No. 1, it would be apposite to refer to the provisions of Order VII Rule 11 CPC. The objections raised in the present application substantially fall within clauses (a) and (d) of Rule 11, which read as under:

*“11. Rejection of **plaint**.— The **plaint** shall be rejected in the following cases:-*

(a) where it does not disclose a cause of action;

(b) where the relief claimed is undervalued, and the plaintiff, on being required by the Court to correct the valuation within a time to be fixed by the Court, fails to do so;

*(c) where the relief claimed is properly valued, but the **plaint** is returned upon paper insufficiently stamped, and the plaintiff, on being required by the Court to supply the requisite stamp-paper within a time to be fixed by the Court, fails to do so;*

*(d) where the suit appears from the statement in the **plaint** to be barred by any law;*

(e) where it is not filed in duplicate;

(f) where the plaintiff fails to comply with the provisions of rule 9”

15. It is a settled proposition of law that while deciding an application under Order VII Rule 11 CPC, the Court is required to confine itself to the averments contained in the **plaint** and the documents relied upon by the plaintiff. The pleas taken by the defendant in the written statement or the defence sought to be set up in the application cannot be looked into at this stage. The Court is only required to examine

whether, assuming the averments made in the plaint to be correct in their entirety, the plaint discloses a cause of action or whether the suit appears from the statements contained therein to be barred by any law.

16. In this regard, reference may be made to the judgment of the Hon'ble Supreme Court in ***Dahiben v. Arvinbhai Kalyanji Bhanusali (Gajra) & Ors., (2020) 7 SCC 366***, wherein it was held that for the purposes of Order VII Rule 11 CPC, the averments in the plaint and the documents relied upon by the plaintiff are alone germane and the pleas taken by the defendant are wholly irrelevant. The Hon'ble Supreme Court further held that the test is whether, if the averments in the plaint are taken to be correct in their entirety, a decree could be passed in favour of the plaintiff.

17. Similar principles were reiterated by the Hon'ble Supreme Court in ***Shakti Bhog Food Industries Ltd. v. Central Bank of India & Anr., (2020) 17 SCC 260***, wherein it was observed that the Court, while dealing with an application under Order VII Rule 11 CPC, is required to undertake a meaningful reading of the plaint as a whole and determine whether a real cause of action is disclosed or whether the suit is barred by any law. It was further held that the contentions raised by the defendant and the averments contained in the written statement are wholly immaterial at this stage.

18. Keeping in view the aforesaid settled principles, the objections raised by Defendant No. 1 are being considered.

19. The first objection raised by Defendant No. 1 pertains to the validity of the Copyright Assignment Deed relied upon by the plaintiff. It is contended that the said deed is invalid, was executed as an afterthought after registration of the FIR, does not confer any rights upon the plaintiff and has been tampered with.

20. This Court is unable to accept the said contention at this stage. It is settled law that while considering an application under Order VII Rule 11 CPC, the averments made in the plaint are required to be presumed to be correct. The Court is not required to adjudicate upon disputed questions of fact or examine the evidentiary value or legal validity of documents relied upon by the parties.

21. In the present case, the plaintiff has filed the suit alleging infringement of copyright in certain photographs and has specifically pleaded that it is the assignee and owner of the copyright therein. In support of such plea, the plaintiff has placed on record the Copyright Assignment Deed executed by Shri Raghu Rai. Whether the said assignment is valid, whether it effectively transfers copyright in favour of the plaintiff, whether Shri Raghu Rai possessed assignable rights in the said works, or whether the deed ultimately confers enforceable rights upon the plaintiff, are all matters which pertain to the merits of the controversy and would require adjudication upon evidence. Such issues are beyond the scope of an enquiry under Order VII Rule 11 CPC.

22. Equally, the contention that the Assignment Deed was executed as an afterthought after institution of criminal proceedings cannot be examined at this stage. The Court is presently concerned only with the averments contained in the plaint and the documents relied upon by the plaintiff, and whether the same, if taken to be correct, disclose a cause of action. The plaintiff having pleaded ownership of copyright and having placed on record an assignment deed in support thereof, it cannot be said that the plaint discloses no cause of action.

23. The defendant has further contended that the Assignment Deed is a tampered document as certain portions thereof had been concealed. Perusal of the record shows that the plaintiff had merely redacted certain portions pertaining to the consideration mentioned in the Assignment Deed. In any event, this Court does not find the quantum of consideration paid by the plaintiff to Shri Raghu Rai under the Assignment Deed to be relevant for determining the issues arising in the present application.

24. The defendant has also contended that the photographs in question have remained in the public domain for several years and, therefore, no copyright subsists therein. This contention is equally misconceived for the purposes of the present application. Merely because a copyrighted work is publicly available or widely circulated does not, by itself, extinguish the copyright vested therein. A copyright owner may still possess a cause of action against a person alleged to have infringed such copyright. Whether copyright subsists in the

photographs and whether any infringement has in fact occurred are questions which fall for adjudication at trial and not under Order VII Rule 11 CPC.

25. The next objection raised by Defendant No. 1 is that the plaintiff does not possess any registered trademark in respect of the expressions “Guruji”, “Guruji Ka Ashram”, the alleged logo, architectural design or other indicia relied upon in the plaint. In the opinion of this Court, the said objection pertains to the merits of the plaintiff's claim. The present suit is not liable to be rejected merely because the defendant disputes the existence or enforceability of trademark rights claimed by the plaintiff. Whether the plaintiff is entitled to protection under trademark law or the law of passing off, and whether the ingredients thereof are ultimately established, are matters requiring adjudication on evidence. Such issues cannot be conclusively determined at the stage of Order VII Rule 11 CPC.

26. The objection that no cause of action is disclosed in respect of the alleged architectural work and that the architectural features relied upon by the plaintiff are common religious symbols is also a defence touching upon the merits of the dispute. The plaint contains specific averments regarding the alleged imitation and reproduction of the plaintiff's structure and associated artistic works. Whether such allegations are ultimately sustainable is a matter for trial. At this stage, it cannot be said that no cause of action is disclosed.

27. Likewise, the contention that the plaintiff lacks locus standi and authority to institute the present suit on account of alleged defects in the constitution of the Trust or absence of a valid resolution raises disputed questions of fact which cannot be adjudicated in proceedings under Order VII Rule 11 CPC. The plaint contains specific assertions regarding the plaintiff's legal status and authority to maintain the present action. Such averments are required to be accepted as correct for the purposes of the present application. Defendant No. 1 has further contended that the suit is barred by the principles of res judicata and constructive res judicata on account of earlier criminal proceedings and an alleged settlement before the Lok Adalat at Sri Ganganagar.

28. The said contention is liable to be rejected for more than one reason. Firstly, it is well settled that the existence of criminal proceedings does not by itself bar the institution of a civil action arising from the same set of facts. Secondly, for the purposes of Order VII Rule 11 CPC, the Court is required to examine only the averments contained in the plaint and the documents relied upon by the plaintiff. The alleged Lok Adalat settlement and other documents relied upon by the defendant do not form part of the plaint and cannot be looked into at this stage. Consequently, no case for rejection of the plaint on the ground of res judicata is made out.

29. Defendant No. 1 has also raised the plea of limitation. However, from a reading of the plaint as a whole, the cause of action pleaded by the plaintiff is a continuing one. The plaintiff has specifically alleged that

the impugned structure at Sri Ganganagar continues to remain operational and that Defendant No. 1 continues to use the photographs, images and swaroops in respect of which copyright is claimed by the plaintiff. In view of the nature of the allegations and the provisions of Section 22 of the Limitation Act, the plaint cannot, at this stage, be said to be ex facie barred by limitation.

30. As regards the contention that the present dispute does not constitute a “commercial dispute”, a perusal of the plaint shows that the suit has been instituted, inter alia, for protection and enforcement of intellectual property rights, including copyright and passing off. Such disputes fall within the ambit of Section 2(1)(c)(xvii) of the Commercial Courts Act, 2015. Consequently, the contention that the present suit is not a commercial dispute is without merit.

31. The remaining objections concerning territorial jurisdiction, valuation of the suit, and allied issues either involve mixed questions of law and fact or pertain to the merits of the controversy. None of these objections, on a meaningful reading of the plaint, demonstrate that the plaint fails to disclose a cause of action or that the suit is barred by any law within the meaning of Order VII Rule 11 CPC.

32. Having considered the plaint in its entirety along with the documents filed by the plaintiff, this Court is of the considered view that the plaint discloses a cause of action and does not appear, on the face of it, to be barred by any law. The objections raised by Defendant No. 1

require adjudication on merits and cannot form the basis for rejection of the plaint at the threshold. Accordingly, the application filed by Defendant No. 1 under Order VII Rule 11 CPC is dismissed. Needless to say that all the objections raised by defendant no. 1 shall be adjudicated upon by framing issues and giving opportunities to both the parties to lead evidence in support of their case.

Application under Order XXXIX Rule 1 and 2 CPC filed on behalf of Plaintiff and application under Order XXXIX Rule 4 CPC filed on behalf of Defendant no. 1

I have heard the learned counsel for the plaintiff and Defendant No. 1 at length and have carefully perused the record.

33. Before proceeding to examine the rival contentions, it is pertinent to note that vide order dated 11.05.2026, this Court, in exercise of powers under Order XXVI Rule 9 CPC, appointed a Local Commissioner for the purpose of visiting and inspecting the premises of the plaintiff at Bhatti Mines, New Delhi, as well as the premises of Defendant No. 1 situated at Village 12Z, Sri Ganganagar, Rajasthan, so as to assist the Court in the proper adjudication of the present application. Pursuant thereto, the Local Commissioner visited both sites and submitted a report on record, which has also been considered by this Court.

34. The plaintiff seeks interim protection on the ground that it is a registered public charitable trust established by Late Shri Nirmal Singh Ji Maharaj, popularly known as "Guruji", and has been entrusted with preserving and protecting his spiritual, charitable and non-commercial legacy. It is the plaintiff's case that Guruji constituted the plaintiff trust during his lifetime and established the Bade Mandir situated at Bhatti Mines, Chhatarpur, New Delhi, which over the years has acquired immense goodwill, distinctiveness and recognition amongst devotees and followers of Guruji.

35. The plaintiff contends that the Bade Mandir is not an ordinary religious structure but a unique and distinctive spiritual institution conceived by Guruji himself. It is stated that the temple was designed in the form of a Shivlinga-shaped structure and comprises several distinctive features, including the main Darbar, lotus fountain, Lord Shiva idol and other associated elements, which have become exclusively identified with Guruji, the plaintiff trust and the Bade Mandir in the minds of devotees and members of the public.

36. The plaintiff further submits that during Guruji's lifetime, renowned photographer Shri Raghu Rai was engaged to photograph Guruji and, by virtue of a Copyright Assignment Deed dated 13.02.2024, the plaintiff has acquired copyright in various photographs/swaroops of Guruji. According to the plaintiff, these photographs have become synonymous with Guruji's persona and spiritual identity and are extensively associated with the plaintiff trust and the Bade Mandir.

37. It is the plaintiff's case that Defendant No. 1 has deliberately constructed and is operating a structure at Village 12Z, Sri Ganganagar, Rajasthan, which is a slavish and conscious imitation of the Bade Mandir. According to the plaintiff, the impugned structure reproduces the distinctive architectural features of the Bade Mandir, including the overall design, Shivalinga-shaped structure, staircase, colour scheme, placement of idols and photographs, fountain with Lord Shiva idol, Darbar configuration and other unique elements associated with the plaintiff's premises.

38. It is further alleged that Defendant No. 1 has named and promoted the said premises as "Guruji Maharaj Ka Darbar" / "Guruji Ka Darbar" and has thereby created a false association with the plaintiff trust and the original Bade Mandir. The plaintiff contends that the acts of Defendant No. 1 are calculated to mislead devotees and members of the public into believing that the impugned premises is connected with, affiliated to, or is an extension of the plaintiff trust and the Bade Mandir. The plaintiff further alleges that Defendant No. 1 is displaying and using copyrighted photographs/swaroops of Guruji at the impugned premises and is also promoting the same through various online and social media platforms. According to the plaintiff, the use of such photographs and representations creates a false and deceptive association with the plaintiff trust and amounts to infringement of copyright, passing off, misrepresentation and dilution of the goodwill associated with Guruji and the plaintiff trust.

39. It is also the case of the plaintiff that Defendant No. 1 is soliciting and collecting donations in the name of Guruji and the impugned structure through QR codes and other means, thereby commercially exploiting Guruji's persona, image and reputation for personal gain. According to the plaintiff, such conduct is contrary to the teachings and wishes of Guruji and causes substantial prejudice to the goodwill and reputation associated with the plaintiff trust.

40. The plaintiff has further relied upon the report of the Local Commissioner and contends that the inspection conducted at both sites reveals substantial similarities between the two premises. According to the plaintiff, the report records the presence of similar religious and architectural features, including the idol of Lord Ganesh, fountain with Lord Shiva idol, swing (Jhula), Darbar configuration, Guru Nanak Dev Ji's photograph, brass/golden idols of Lord Shiva and Nandi Ji, photographs of Guruji and other common elements, which collectively demonstrate deliberate imitation of the plaintiff's premises.

41. The plaintiff further submits that the Local Commissioner's report records the use of the plaintiff's copyrighted photographs/swaroops of Guruji at multiple locations within the premises of Defendant No. 1, including the main Darbar and other rooms situated therein. It is also contended that the report discloses that the finances and donations pertaining to the said premises are being managed personally by Defendant No. 1 and his associates and that no

satisfactory account or record thereof was produced before the Local Commissioner.

42. The plaintiff contends that the acts complained of constitute copyright infringement, passing off, misrepresentation, dilution of goodwill and deception of devotees and members of the public. According to the plaintiff, the continued operation of the impugned premises in its present form causes ongoing and irreparable injury to the plaintiff's rights and to the goodwill associated with Guruji and the Bade Mandir. It is, therefore, submitted that the plaintiff has established a strong prima facie case in its favour; that the balance of convenience lies in favour of protecting the plaintiff's rights pending adjudication of the suit; and that irreparable loss and injury would be caused to the plaintiff in the absence of interim protection.

43. On these grounds, the plaintiff seeks interim injunction restraining the defendants from using the name, image, photographs/swaroops or persona of Guruji; from operating or projecting the impugned structure as "Guruji Ka Darbar" or as being associated with the plaintiff trust or the Bade Mandir; from displaying or communicating the plaintiff's copyrighted photographs/swaroops to the public; and from soliciting or collecting donations in the name of Guruji or the plaintiff trust during the pendency of the suit.

44. Per contra, learned counsel appearing on behalf of Defendant No. 1 has opposed the application and has prayed for dismissal of the

application under Order XXXIX Rules 1 and 2 CPC as well as vacation of the ad-interim injunction granted in favour of the plaintiff. It is contended on behalf of Defendant No. 1 that the plaintiff has approached the Court without any enforceable legal right and has failed to establish either ownership, management or exclusive control over the premises popularly known as "Bade Mandir" situated at Bhatti Mines, Chhatarpur, New Delhi. It is submitted that no document has been placed on record showing that the plaintiff is the owner or lawful manager of the said premises or that it possesses any exclusive rights over the architectural features allegedly relied upon in the suit.

45. Ld. Counsel for Defendant No. 1 has further questioned the locus standi of the plaintiff to maintain the present proceedings. It is submitted that the Trust Deed and subsequent amendment deeds relied upon by the plaintiff do not disclose the present trustees or any valid authority in favour of the person instituting the present suit. According to the defendant, the plaintiff has failed to place on record any document demonstrating that the suit has been validly instituted by a duly authorised representative of the Trust.

46. Defendant No. 1 has further contended that the photographs and swaroops of Guruji, which form the basis of the plaintiff's copyright claim, have been publicly circulated amongst devotees for several years and are freely available in the public domain. It is submitted that the plaintiff cannot claim any exclusive rights over such photographs. The defendant has also questioned the validity and genuineness of the

Copyright Assignment Deed relied upon by the plaintiff and has contended that the same was obtained only in February, 2024, after the institution of criminal proceedings in Rajasthan, thereby casting doubt on the plaintiff's claim of copyright ownership.

47. It is further contended that the plaintiff itself has widely distributed the photographs and swaroops of Guruji amongst devotees and visitors and, therefore, cannot now seek to restrain others from displaying the same. According to the defendant, no case of copyright infringement is made out against Defendant No. 1. Ld. Counsel for Defendant No. 1 has further submitted that the allegations regarding collection of donations through QR codes for personal gain are wholly incorrect. It is contended that no such QR code is displayed at the premises in Rajasthan and that no donations have been received in the manner alleged by the plaintiff.

48. It is further submitted that the plaintiff has concealed material facts from this Court. In particular, reliance has been placed upon criminal proceedings initiated in Rajasthan concerning substantially similar allegations. According to the defendant, the said proceedings culminated in a settlement before the Lok Adalat and the plaintiff failed to disclose the said proceedings and settlement while seeking interim relief before this Court.

49. Defendant No. 1 has further contended that the plaintiff has suppressed statements allegedly made before the authorities in Rajasthan

and has not fairly disclosed all material facts relating to the earlier proceedings. It is submitted that the present proceedings have been instituted despite the earlier settlement and are therefore an abuse of the process of law. It is further contended that Defendant No. 1 is merely a devotee and follower of Guruji and that the structure established at Sri Ganganagar has been created solely for religious and spiritual purposes. According to the defendant, Guruji belongs to all devotees and no individual or entity can claim a monopoly over Guruji's name, teachings, image, blessings or spiritual legacy.

50. Ld. Counsel for Defendant No. 1 has further argued that the plaintiff is seeking to assert exclusive rights over common religious features, symbols and practices which are incapable of proprietary ownership. It is submitted that the architectural and religious elements relied upon by the plaintiff are commonly found in places of worship and cannot confer any exclusive right upon the plaintiff. The defendant has also disputed the allegation that the Rajasthan premises is being represented as an official branch or extension of the plaintiff trust. It is submitted that no material has been placed on record to show any false representation by Defendant No. 1 that the said premises is owned, managed or authorised by the plaintiff.

51. Defendant No. 1 has further contended that the plaintiff has failed to establish any prima facie case in its favour. It is submitted that no irreparable injury would be caused to the plaintiff if the interim injunction is refused, whereas serious prejudice would be caused to the

defendant and the devotees visiting the Rajasthan premises if the injunction sought by the plaintiff is granted.

52. On the aforesaid grounds, Defendant No. 1 has prayed for dismissal of the plaintiff's application under Order XXXIX Rules 1 and 2 CPC and for vacation of the ad-interim injunction operating against him.

53. Before considering the rival contentions, it would be apposite to briefly notice the settled principles governing grant of temporary injunction under Order XXXIX Rules 1 and 2 CPC. It is well settled that while considering an application for interim injunction, the Court is required to examine: (i) whether the plaintiff has established a prima facie case; (ii) whether the balance of convenience lies in favour of grant of injunction; and (iii) whether the plaintiff would suffer irreparable loss or injury if the injunction is refused. The object of an interim injunction is to preserve the subject matter of the suit and maintain status quo pending adjudication of the rights of the parties.

54. A bare perusal of the Local Commissioner's report depicts that the structure being operated by Defendant No. 1 at Sri Ganganagar, Rajasthan, bears a strikingly similar scheme of arrangement and placement of idols, deities, swaroops, and photographs of the settlor of the plaintiff trust, Late Shri Nirmal Singh Ji Maharaj, popularly and widely revered amongst devotees as "Guruji". No doubt, Defendant No. 1 has an absolute and unquestionable right to install photographs, idols, and images of Hindu deities and other Gods to profess and practice his

religious beliefs. Merely because certain deities or religious symbols are present at the premises of Defendant No. 1 cannot by itself constitute any actionable wrong. However, the issue before this Court is not the individual placement of deities or religious symbols but the cumulative effect of the overall arrangement and presentation adopted by Defendant No. 1.

55. Perusal of the photographs annexed with the Local Commissioner's report depicts that the scheme of arrangement and placement adopted by Defendant No. 1 at the impugned structure includes, inter alia, placement of a Shivlinga at the top of a white structure bearing a flag; stairs leading up to the said white structure; placement of the symbol "Om"; installation of a Jhula/Swing; placement of idols of Lord Shiva and Lord Ganesha in the pathway leading to the said structure; and other similar features which are also found in the plaintiff trust's premises situated at Bhatti Mines, New Delhi.

56. This Court reiterates that Defendant No. 1 has every right to place such Hindu deities and idols within his premises. However, the deliberate placement and arrangement of such deities, idols, and associated features in a fashion substantially similar to that adopted by the plaintiff trust at the Bade Mandir raises serious concerns regarding the intention of Defendant No. 1 to project, promote, or suggest an association or affiliation with the plaintiff trust.

57. In this regard, reference may be made to the judgment of the Hon'ble Kerala High Court in ***Attukal Bhagavathy Temple Trust v. Controller General of Patents, Designs & Trademarks, W.P.(C) No.14153 of 2009***. The said case arose from the registration of a trademark comprising the "picture of the Attukal Deity" and the appellation "Sabarimala of Women" in favour of the temple trust managing the renowned Attukal Bhagavathy Temple in Kerala. The Hon'ble Kerala High Court recognized that a temple trust may acquire protectable rights under trademark law in relation to the goodwill, identity and services associated with the temple, and observed that such protection is intended to prevent unauthorized persons from projecting themselves as representatives, agents or managers of the temple or deity and from exploiting the reputation and goodwill attached thereto.

58. Particularly significant are the observations contained in paragraph 13 of the said judgment, wherein the Hon'ble Kerala High Court observed that what is prohibited is the act of "*receiving money from others projecting and promoting oneself to be the agent or the Manager of the temple or the deity*" and further held that such protection "*prohibits such activity in the name of the deity or the temple by any other and thus restricts the commercialization of the services offered in the name of the deity.*"

59. Although the dispute before this Court does not concern any registered trademark of the plaintiff trust, the underlying principle remains relevant. The concern in the present matter is not the exclusive

ownership of a deity, religious belief, or spiritual teaching. Rather, the grievance of the plaintiff is that the impugned structure has been created and is being operated in a manner which may lead a lay devotee or follower of Guruji to believe that the said structure is affiliated with, connected to, authorized by, or forms an extension of the plaintiff trust and the 'Bade Mandir' (structure operated by the plaintiff trust at Bhatti Mines, New Delhi).

60. The law relating to passing off is founded upon the principle that no person can represent his goods, business or services as being those of another. The purpose of the law is not merely to protect the goodwill of the plaintiff but also to prevent deception and confusion amongst members of the public. In ***Himalaya Wellness Company & Ors. v. Wipro Enterprises Pvt. Ltd., 2023 SCC OnLine Del 4035***, the Hon'ble Delhi High Court observed:

"58. Passing off is an action founded in common law, which is based on the principle that no one has the right to represent their goods or services as those of someone else."

61. The Hon'ble Delhi High Court further relied upon the decision of the Hon'ble Supreme Court in ***Satyam Infoway Ltd. v. Siffynet Solutions Pvt. Ltd., (2004) 6 SCC 145***, wherein the Supreme Court explained the essential ingredients of an action for passing off and held that the plaintiff must establish goodwill, misrepresentation by the defendant and consequent damage or likelihood of damage. The Supreme Court further

held that what is required to be established is a likelihood of confusion in the minds of actual or potential customers and that courts must allow for the "*imperfect recollection of a person of ordinary memory*."

62. Applying the aforesaid principles to the facts of the present case, this Court is of the prima facie view that the plaintiff trust has established and obtained substantial goodwill and recognition amongst devotees of Guruji. The Local Commissioner's report further indicates that Defendant No. 1 has adopted a scheme of presentation, arrangement, and display which bears notable similarities to the plaintiff's premises.

63. At this interlocutory stage, the material presently available on record raises a prima facie apprehension that the impugned structure is being operated in a manner which is capable of creating an impression in the minds of ordinary devotees that the same has some association, affiliation, or authorization from the plaintiff trust. Consequently, this Court is of the prima facie view that Defendant No. 1 is attempting to pass off the services being provided at the impugned structure as having an association or affiliation with the plaintiff trust.

64. This Court is further of the view that if interim protection is not granted at this stage, irreparable loss and injury may be caused to the goodwill and reputation developed by the plaintiff trust amongst devotees over several years. The balance of convenience also lies in favour of the plaintiff. Further, the material placed on record, including

the Local Commissioner's report, establishes a prima facie case in favour of the plaintiff.

65. Accordingly, *Defendant No. 1 is restrained, during the pendency of the present suit, from operating or promoting the structure situated at Sri Ganganagar, Rajasthan, under the name "Guruji Ka Darbar" or any other name, style or manner which projects, promotes or suggests any association, affiliation, authorization or connection with the plaintiff trust.*

66. *Defendant No. 1 is further restrained from using the name, persona, identity or representation of Guruji in a manner which creates an impression in the minds of devotees that the impugned structure is associated with or affiliated to the plaintiff trust.*

67. The plaintiff has further placed on record a Copyright Assignment Deed dated 13.02.2024 executed by Shri Raghu Rai in favour of the plaintiff trust, whereby copyright in photographs of Guruji (Settlor of the Plaintiff Trust) was assigned to the plaintiff.

68. Perusal of the Local Commissioner's report prima facie indicates that certain photographs forming part of the copyrighted works claimed by the plaintiff are being displayed within the premises operated by Defendant No. 1. The challenge raised by Defendant No. 1 to the validity and enforceability of the Assignment Deed involves mixed questions of

fact and law, which shall be adjudicated at the appropriate stage after evidence is led by the parties.

69. However, for the purposes of the present application, the plaintiff has prima facie established ownership and subsistence of copyright in the said photographs. The balance of convenience also lies in favour of the plaintiff, and refusal of interim protection may result in irreparable injury to the goodwill associated with the plaintiff trust and Guruji.

70. Accordingly, ***Defendant No. 1 is restrained from displaying, communicating to the public, or otherwise using the copyrighted photographs/swaroops of Guruji in respect of which copyright is claimed by the plaintiff trust. Defendant No. 1 is directed to remove the said copyrighted photographs from the premises situated at Sri Ganganagar, Rajasthan, during the pendency of the suit.***

71. Insofar as the allegation regarding solicitation and collection of donations is concerned, the Local Commissioner has specifically recorded that no donation box or other material indicating collection of donations in the name of the plaintiff trust was found at the site. The report further notes that upon being questioned, Mr. Manjit Sikand stated that the expenses of the premises are borne through the personal resources of himself and Defendant No. 1, though at times certain requirements are met through voluntary contributions in kind from Sewadars and members of the Sangat.

72. Whether any donations have in fact been collected by Defendant No. 1 from devotees by operating the impugned structure in a manner suggestive of its association with the plaintiff trust would require evidence and shall be conclusively adjudicated at appropriate stage.

73. Nevertheless, having regard to the findings recorded hereinabove, ***Defendant No. 1 is restrained from collecting, soliciting, or receiving donations in the name of Guruji or the plaintiff trust or in any manner which conveys to devotees that the impugned structure is associated with, authorized by, or affiliated to the plaintiff trust.***

74. This Court is further of the prima facie view that the cumulative effect of the Local Commissioner's report demonstrates that the structure being operated by Defendant No. 1 has been arranged and presented in a manner capable of creating confusion amongst ordinary devotees. The report records, inter alia, the presence of a temple structure containing an idol of Lord Ganesha similar to that existing at the plaintiff's premises; placement of Lord Shiva with a fountain; a Jhula/Swing; a Shivling situated atop a white structure with stairs leading thereto; and similar placement of idols and images of Guru Nanak Dev Ji, Lord Shiva and Nandi Ji.

75. It is once again clarified that Defendant No. 1 possesses an unquestionable right to install and worship Hindu deities and religious symbols. The present order does not seek to restrain the worship of any deity or interfere with any bona fide religious activity. However, the

deliberate and cumulative placement of such features in a manner substantially similar to the arrangement adopted by the plaintiff trust is capable of misleading innocent devotees into believing that the Rajasthan premises is associated with or forms part of the plaintiff trust.

76. Accordingly, ***Defendant No. 1 is further restrained from operating the impugned premises in a manner which reproduces or substantially imitates the overall scheme of arrangement, display, and presentation adopted at the plaintiff's premises and is directed to modify the placement of idols, photographs, structures, and associated features so as to eliminate any likelihood of confusion or deception regarding association with the plaintiff trust.***

77. *The observations contained herein are purely prima facie in nature and shall not be construed as an expression on the final merits of the suit.*

78. Another objection raised by Defendant No. 1 pertains to the locus standi of the plaintiff trust and the authority of the person instituting the present suit on its behalf. In this regard, this Court has perused the Trust Deeds, amendment deeds and the minutes of meetings of the Board of Trustees placed on record by the plaintiff. A perusal of the said documents prima facie indicates that the present suit has been instituted by the Authorized Representative of the plaintiff trust, namely Mr. Deepak Gupta, who was duly authorized to institute and prosecute

the present proceedings by Mr. Navdeep Singh, Chairman and Trustee of the plaintiff trust.

79. The record further depicts that the plaintiff trust, namely "Guruji Ka Aashram", was established by its settlor, Late Shri Nirmal Singh Ji Maharaj, popularly known as "Guruji". The original Trust Deed further reflects that Guruji appointed his mother, Smt. Surjit Kaur, as the first Trustee of the Trust. It further appears from the record that upon the demise of the said Trustee, namely Smt. Surjit Kaur, an amendment to the Trust Deed was executed in January, 2007, whereby Shri Mast Ram was appointed as Trustee in order to fill the vacancy so created. The record further reflects that by way of a subsequent amendment dated 07.06.2007, the surviving Trustee, namely Shri Mast Ram, appointed Shri Navdeep Singh as an additional Trustee of the plaintiff trust. Thus, prima facie, the chain of succession and appointments reflected from the Trust Deed and its amendments indicates continuity in the administration of the plaintiff trust and the existence of a functioning Board of Trustees.

80. At this interlocutory stage, this Court is only required to examine whether the plaintiff has prima facie demonstrated the authority to maintain the present proceedings. Having regard to the Trust Deeds, amendment deeds and resolutions placed on record, this Court is satisfied that the plaintiff trust has prima facie established its locus standi to institute and maintain the present suit and that the suit has been instituted through a duly authorized representative. The contentions raised by Defendant No. 1 regarding the legality, validity or

enforceability of the Trust Deeds, amendment deeds, appointments of trustees or the constitution of the Board of Trustees raise disputed questions of fact and law which would require detailed examination of evidence and cannot be conclusively determined at the stage of adjudication of the present application under Order XXXIX Rules 1 and 2 CPC. Such contentions are, therefore, left open for consideration at the appropriate stage after the parties have led their respective evidence. No final opinion is being expressed thereon at this stage.

81. The application under Order XXXIX Rules 1 and 2 CPC filed on behalf of plaintiff is accordingly **allowed** and resultantly, the application under Order XXXIX Rule 4 CPC filed on behalf of defendant no. 1 is hereby **dismissed** in the aforesaid terms. *Copy of this order be given dasti to plaintiff and defendant no. 1.*

[Neelam Singh]
District Judge
(Comm-05)/SE/Saket/ND
04.06.2026