

ITEM NO.1

COURT NO.6

SECTION XVII-B

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

SPECIAL LEAVE PETITION (CIVIL) Diary No. 60138/2025

[Arising out of impugned final judgment and order dated 08-08-2025
in CA No. 14/2024 passed by the High Court of Jharkhand at Ranchi]

I.S.D.S. PRIVATE LIMITED & ANR.

Petitioner(s)

VERSUS

M/S KHEMKA FOOD PRODUCTS PVT. LTD & ANR.

Respondent(s)

FOR ADMISSION

IA No. 27389/2026 - CONDONATION OF DELAY IN REILING / CURING THE
DEFECTS

Date : 10-02-2026 This matter was called on for hearing today.

CORAM : HON'BLE MR. JUSTICE J.B. PARDIWALA
HON'BLE MR. JUSTICE K.V. VISWANATHAN

For Petitioner(s) :Mr. Singh Nishant Sanjay Kumar, Adv.
Mr. Vishal Arun Mishra, AOR
Ms. Rupali Panwar, Adv.
Mr. Sandeep Mehta, Adv.

For Respondent(s) :Mr. Indrajit Sinha, Adv.
Mr. Ankit Rajgarhia, Adv.
Ms. Prerna Jhunhunwala, Adv.
Mr. Aakash Nandolia, AOR
Mr. Sachin Dubey, Adv.
Ms. Vinita Sejwal, Adv.

UPON hearing the counsel the Court made the following
O R D E R

1. Heard Mr. Singh Nishant Sanjay Kumar, the learned counsel

appearing for the petitioners (original defendants) and Mr. Indrajit Sinha, the learned counsel appearing for the respondents (original plaintiffs).

2. Delay condoned.

3. The short point that falls for our consideration is with regard to Section 134 of the Trade Marks Act, 1999 (for short, "the Act, 1999") which says that

(1) No suit--

(a) xx xx xx

(b) xx xx xx

(c) for passing off arising out of the use by the defendant of any trade mark which is identical with or deceptively similar to the plaintiff's trade mark, whether registered or unregistered, shall be instituted in any court inferior to a District Court having jurisdiction to try the suit."

4. What meaning should be ascribed to the expression "in Court inferior to a District Court"? The High Court seems to have taken the view that the court of the Civil Judge, Senior Division, being a Commercial Court, the suit instituted by the plaintiffs for passing off is maintainable.

5. Issue notice, returnable on 24.2.2026.

6. Mr. Aakash Nandolia, the learned advocate on record,

waives service of notice for and on behalf of the respondents.

7. In the meantime, the further proceedings of Commercial Suit No. 11/2023 filed before the Civil Judge (Senior Division)-I, Jamshedpur, shall remain stayed.

8. List on 24.2.2026 on the top of the Board.

(CHANDRESH)
ASTT. REGISTRAR-cum-PS

(POOJA SHARMA)
COURT MASTER (NSH)