



\$~49

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

%

Date of Decision: 08.12.2025

+ **CS(COMM) 971/2025, I.A. 26291/2025, I.A. 22461/2025 & I.A. 22462/2025**

HERO INVESTCORP PVT. LTD. AND ANRPlaintiffs
Through: Mr. Kunal Khanna, Mr. Madhav Anand, Mr. Krtin Bhasin, Mr. Yashveer Singh, Mr. Udit Sharma, Mr. Kaulik Mitra Mr. Param Goel and Ms. Priyanshi Gupta, Advocates.

versus

KARTAR INDUSTRIES THROUGH ITS PROPRIETOR SEEMA SOODDefendant
Through: Mr. Arun Batta, Mr. Vipin Gogia, Mr. Karanvir Gogia and Ms. Varnika Gupta, Advocates.

**CORAM:
HON'BLE MR. JUSTICE TEJAS KARIA**

TEJAS KARIA, J. (ORAL)

I.A. 26291/2025 (U/O XXXIX Rule 2A of CPC)

1. This is an Application under Order XXXIX Rule 2A of the Code of Civil Procedure, 1908 (“CPC”) for for initiation of contempt proceedings against the Defendant / Contemnors for wilful disobedience of the Order dated 11.09.2025 passed by this Court.
2. The learned Counsel for the Plaintiffs submits that during the search of the premises of the Defendant, large number of infringing goods were found



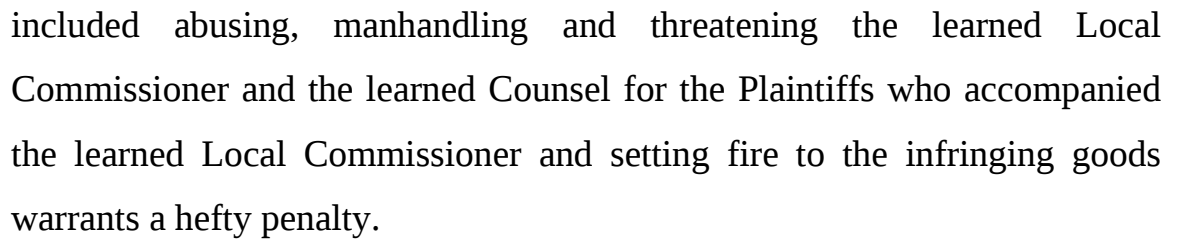
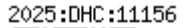
in form of packaging material and spare parts which were lying in gunny bags. However, Contemnor Nos. 1 and 2 manhandled and abused the learned Local Commissioner and the Plaintiffs' Counsel and threatened them by holding them by their shoulders and displayed aggressive behaviour. The employees of Contemnor No.1 acting upon the instruction of Contemnor No. 1 threw the counterfeit material into a metal burner used at the premises of the Defendant and put fire in the presence of the learned Local Commissioner.

3. *Vide* Order dated 17.10.2025, notice was issued in the present Application, and the learned Counsel for the Defendant / Contemnors submitted that the Defendant / Contemnors wish to settle the matter with the Plaintiffs and they may be referred to the Delhi High Court Mediation and Conciliation Centre, however, in view of the conduct of the Defendant / Contemnors they were directed to remain personally present on the next date of hearing.

4. *Vide* Order dated 27.11.2025, the learned Counsel for the Defendant / Contemnors, submitted that the report of the learned Local Commissioner is not correct and they would like to file objection to the report of the learned Local Commissioner. However, the objection to the report of the learned Local Commissioner was withdrawn during the hearing and the learned Counsel for the Defendant / Contemnors submitted that the Defendant / Contemnors are ready and willing to tender an unconditional apology for committing contempt and making the aforesaid submissions.

5. The Defendant / Contemnors have tendered an unconditional apology and sought to settle the matter in view of the unconditional apology tendered.

6. The learned Counsel for the Plaintiff submitted that the conduct of the Defendant / Contemnors during the execution of the Commission, which



7. A Local Commissioner appointed by a Court is an officer of the Court and the Defendants cannot go scot-free after threatening an officer of the Court and interfering with the execution of the Commission. The Defendant / Contemnors, present in person, have sought an unconditional apology and submitted that they would not carry on the infringing activities, which is a mitigating circumstance while deciding the quantum of punishment for the Defendant / Contemnor. However, the contempt and conduct of the Defendant / Contemnors is of such a nature, which cannot absolve by them giving mere apology.

8. In view of the conduct of the Defendant / Contemnors during the conduct of the Commission and for committing contempt of Court the Defendant shall donate ₹2,50,000/- (Rupees Two Lakhs and Fifty Thousand Only) to HelpAge India having address at C-14, Qutab Institutional Area, New Delhi – 110016, within a period of eight weeks and inform the learned Counsel for the Plaintiff.

9. The present Application is disposed of with the aforesaid directions.

CS(COMM) 971/2025

10. The present Suit has been filed for permanent injunction restraining infringement of the registered Trade Marks of the Plaintiffs being ‘HERO’, ‘



passing off, dilution and other ancillary reliefs (“**Plaintiffs’ Marks**”).

11. *Vide* Order dated 11.09.2025 an *ex-parte ad-interim* injunction was passed in favour of the Plaintiffs restraining the Defendant, its proprietors, partners, directors, principal officers, associates, affiliates, licensees, distributors, dealers, stockists, retailers, servants, agents, and all others acting on their behalf from manufacturing, selling, offering for sale, retailing, distributing, importing, exporting any product under the Plaintiffs’ Marks or any other Mark which is identical or deceptively similar to the Trade Mark of the Plaintiffs, ‘HERO’.

12. The learned Counsel for the Defendant, on instructions, submits that the Defendant has complied with the Order dated 11.09.2025 and will not be involved in any infringing activities, and the present Suit may be decreed to the aforesaid extent.

13. The statement made by the learned Counsel for the Defendant is taken on record and the Defendant is directed to be bound by the said statement.

14. The learned Counsel for the Plaintiffs is agreeable that the present Suit be decreed in terms of the Prayer Clauses (a) to (e) and the undertaking of the Defendant that the Defendant will not be involved in infringing activities any further. However, in view of the conduct of the Defendant, costs and damages incurred by the Plaintiffs due to the infringing activities of the Defendant be awarded.

15. In *Strix Ltd. v. Maharaja Appliances Ltd.*, 2023 SCC OnLine Del



7128, this Court held that in a case where the evidence is not led, the damages shall be notional and are to be granted on a reasonable and fair basis. It was further held that in such cases, the Court can only make a broad assessment based on the evidence on record.

16. Accordingly, the Suit is decreed against the Defendant in terms of Prayer Clauses (a) to (e) of the Plaint and the Defendant shall pay an amount of ₹2,50,000/- (Rupees Two Lakhs and Fifty Thousand Only) to the Plaintiff towards costs and damages on account of loss suffered by the Plaintiff due to counterfeiting activities of the Defendant, because of which the Plaintiff had to undertake investigation, file the present Suit, get the learned Local Commissioner appointed to whom the fees had to be paid, and due to commission of contempt during the Local Commission, file the Application for Contempt of Court. The amount of damages has been arrived at by considering and assessing the above facts and circumstances of the present case.

17. Let the Decree Sheet be drawn up, accordingly.

18. Accordingly, the Suit is disposed of with the aforesaid directions. All pending Applications also stand disposed of.

19. The next date, i.e., 02.03.2026 before the Joint Registrar stands cancelled.

TEJAS KARIA, J

DECEMBER 8, 2025

ap