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

+ **CS(COMM) 1155/2025 & I.A. 29984/2025, I.A. 29991/2025**

WOODLAND (AERO CLUB) PVT. LTD.

.....Plaintiff

Through: Mr. Abhijit Mittal, Ms. Shaivya Singh
and Ms. Ankita Bhattacharjee,
Advocates

versus

M/S SPEEDWAYS TYRE TREADS & ANR.

.....Defendants

Through: Mr. Amit George, Mr. Nitesh Mehra,
Ms. Niti Jain, Ms. Mahima Arora and
Ms. Aaushi Kumari, Advocates for
D-1

CORAM:

HON'BLE MS. JUSTICE MANMEET PRITAM SINGH ARORA

ORDER

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01.12.2025

I.A. 29984/2025 (under Order VII Rule 11(a) and (d) CPC) & I.A. 29991/2025 (under Order XXXIX Rule 4 CPC)

1. I.A. 29984/2025 is an application filed by defendant no.1 under Order VII Rule 11(a) and (d) read with Section 151 of the Code of Civil Procedure, 1908 ['CPC'], and Section 12A of the Commercial Courts Act, 2015, seeking rejection of the plaint on the grounds that it does not disclose any cause of action and is barred by the law.
2. I.A. 29991/2025 is an application filed by defendant no. 1 under Order XXXIX Rule 4 of CPC, seeking vacation/modification of ex-parte ad interim injunction dated 30.10.2025.
3. It is stated in the applications that the plaintiff has suppressed from



this Court the purchase order issued by the plaintiff from time to time till 2023.

4. Learned counsel for the applicant/defendant no.1 states that the goods, which the Local Commissioner had seized, are not counterfeit products but are goods manufactured by defendant no.1 in pursuance of the purchase orders placed by the plaintiff.

4.1 He states that the value of the goods seized is approximately Rs. 30 lakhs, and defendant no.1 had been repeatedly representing to the plaintiff to collect the goods and pay defendant no.1 for these stocks.

4.2 He states that in these facts, the allegations on which the plaint has been filed, alleging counterfeiting, are absolutely false.

4.3 He states that communication between defendant no.1 and the plaintiff was with its Managing Director, Mr. Harkirat Singh, and Mr. Madan Kalra, Senior Manager.

5. Issue notice.

6. Learned counsel for the plaintiff accepts notice.

7. He states that he was served with the advance copy of the application; however, he has been unable to take instructions from the plaintiff.

8. Mr. Harkirat Singh, Managing Director and Mr. Madan Kalra, Senior Manager, shall file their personal affidavits in response to the captioned applications. In their affidavit, they will explain why the correspondence exchanged between the parties was not disclosed in the plaint.

In addition, they shall remain personally present in Court on the next date of hearing.

9. In view of the facts averred in the applications, which are prima facie supported by documents, the plaintiff is directed to deposit with this Court a



sum of Rs. 30 lakhs, being the value of the goods seized.

10. List on **23.12.2025**.

11. The digitally signed copy of this order, duly uploaded on the official website of the Delhi High Court, www.delhihighcourt.nic.in, shall be treated as a certified copy of the order for the purpose of ensuring compliance. No physical copy of order shall be insisted by any authority/entity or litigant.

MANMEET PRITAM SINGH ARORA, J

DECEMBER 1, 2025/rhc/aa