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

% *Date of Decision: 27.02.2026*

+ **CS(COMM) 361/2018**

NADEEM MAJID OOMERBHOYPlaintiff
Through: Mr. Tahir Ashraf Siddiqui and Mr.
Kartikey Sahai, Advocates.

versus

SH. GAUTAM TANK AND ORSDefendants
Through: Mr. Arnav Goyal, Advocates for
Defendant Nos.1 & 2.

CORAM:

HON'BLE MR. JUSTICE TEJAS KARIA

TEJAS KARIA, J. (Oral)

I.A. 3438/2026 (for directions)

1. This is an Application filed on behalf of the Applicants / Defendants under Section 151 of the Code of Civil Procedure, 1908 seeking directions to the Registry of this Court to place on record the order dated 26.09.2025 and simultaneously supply a copy thereof to the Applicants / Defendants.

2. It is stated in this Application that on 26.09.2025, an order was passed recalling a previous order and no opportunity of being heard was given to the Applicants / Defendants as no notice was issued to the either party. It is further stated that the Applicants / Defendants were not present when the said order was passed nor were the Applicants / Defendants aware about the proceedings on that date.

3. It is further stated by the Applicants / Defendants that the order dated 26.09.2025 is not available online when an attempt to download the same was made by the learned Counsel for the Applicants / Defendants. Further,



when the Applicants / Defendants applied for certified copy, the same was rejected on the ground that the order was not found on record. Thereafter, the learned Counsel for the Applicants / Defendants inspected the physical file and found that the copy of the order dated 26.09.2025 is not present in the judicial file.

4. It is further stated in the Application that the Applicants / Defendants are severely prejudiced as without a copy of the order, the Applicants / Defendants are incapacitated from challenging the same or taking necessary steps to set aside the order, which was passed behind their back and in violation of principles of natural justice.

5. It is stated by the Applicants / Defendants that they intend to prefer an Appeal against the order dated 09.01.2026, which refers to previously pronounced order dated 26.09.2025 and, therefore, a copy of the said order dated 26.09.2025 is indispensable for effectively drafting the Appeal and to challenge the findings, which are based on the order dated 26.09.2025.

6. Accordingly, the Applicants / Defendants have prayed that the Registry be directed to place the order dated 26.09.2025 passed in the present Suit on judicial record and also supply a certified copy of the same to the Applicants / Defendants.

7. Heard the learned Counsel for the Applicants / Defendants and the learned Counsel for the Plaintiff.

8. The averments made in this Application as well as the submissions made on behalf of the Applicants / Defendants are based on inaccurate presumption that an order was passed on 26.09.2025 re-calling a previous order without the notice or an opportunity of hearing given to the Applicants / Defendants.



9. As a matter of fact, the Applicants / Defendants were given full opportunity of hearing on 08.08.2025 and, thereafter, the order was reserved and the matter was listed on 26.09.2025 for pronouncement of the order, when the operative portion was pronounced. However, while correcting the same, certain queries arose, which required clarification from the Parties and, accordingly, the matter was listed for clarification.

10. The learned Counsel for the Plaintiff made submission on 19.12.2025 and the learned Counsel for the Applicants / Defendants sought time to consider the submissions made by the learned Counsel for the Plaintiff and to make submissions in response thereto.

11. Accordingly, the matter was listed for hearing the submissions of the learned Counsel for the Applicants / Defendants on 22.12.2025, on which date the learned Counsel for the Applicants / Defendants was heard at length.

12. Before the order pronounced on 26.09.2025 could be uploaded after clarifications by the parties, the Applicants / Defendants filed an I.A. 32689/2025 on 20.12.2025 seeking clarification of the order dated 08.08.2025 and direction to the Registry to change the status of the Suit from 'Disposed of' to 'pending'. The said Application was listed on 23.12.2025 for hearing and after hearing the Parties, the order was reserved.

13. In view of the prayer made in I.A. 32689/2025, the order dated 08.08.2025 was clarified and a consolidated judgment was pronounced on 09.01.2026 providing the entire procedural history since 2005 till the passing of the judgment on 09.01.2026. As part of the procedural history, it is clarified in the judgement dated 09.01.2026 that:



“43. On 08.08.2025, the arguments were heard in the Suit, I.A. 34537/2024 and I.A. 49679/2024 as well as on the validity of the registration of the Mark ‘SUPER POSTMAN’ and the order was reserved.

44. Thereafter, the operative part of the order was pronounced on 26.09.2025, however while correcting the order, the Court required certain clarifications with respect to the pendency of the Rectification Petition before the High Court of Judicature at Bombay and also details of sale of the products by Defendant No. 2, which were provided by the learned Counsel for the Parties.

45. Defendant Nos. 1 and 2 have filed an Application being IA No. 32689 / 2025 under Section 151 of the CPC seeking clarification of the order dated 08.08.2025 and correction of the status of the Suit. The arguments were heard in this Application on 23.12.2025 and order was reserved.”

14. A perusal of the above procedural history clearly shows that the averments made in the present Application are factually incorrect. Further, the judgment dated 09.01.2026 has decided I.A. 32689/2025 and has held as under:

“IA 32689/2025 FOR CLARIFICATION OF ORDER DATED 08.08.2025

152. Defendant Nos. 1 and 2 have filed the present Application for clarification of order dated 08.08.2025 and directing the Registry to correct the status of this Suit in its record from “disposed of” to “pending”. The Defendant Nos.1 and 2 have contended that at the hearing held on 08.08.2025, the order was reserved on IA 34537/2024 filed by Defendant Nos. 1 and 2 under Section 124 of the Act and IA 49679/2024 filed by Plaintiffs seeking interim injunction as well as the suo motu decision on the validity of the registration of Defendants’ Trade Mark ‘SUPER POSTMAN’ under Section 57 of the Act.

153. Defendant Nos. 1 and 2 have contended that on 08.08.2025, the Defendants specifically made submission only on the jurisdictional bar created by registration of the Trade Mark ‘SUPER POSTMAN’ and staying of the Suit until the validity is determined. It was



submitted that the main Suit comprising of voluminous evidence and trial history since 2005 was not heard and the hearing was limited to the IA 34537/2024 and IA 49679/2024 and the enquiry with regard to the validity of registration under Section 57 of the Act. The order dated 08.08.2025 records that arguments were heard and order was reserved, which shows that the main Suit was not finally argued on that date.

154. Defendant Nos. 1 and 2 have submitted that the written note of arguments filed on 12.08.2025 pursuant to direction on 08.08.2025 was limited to the validity of the registration of the Trade Mark 'SUPER POSTMAN' and maintainability of IA 34537/2024 filed under Section 124 of the Act. Accordingly, it is prayed that order dated 08.08.2025 be clarified to the extent that the order reserved was only with regard to the maintainability of IA 34537/2024, IA 49679/2024 and the validity of the registration of the Trade Mark 'SUPER POSTMAN' under the suo motu enquiry as per Section 57 of the Act and direct the Registry to restore the status of the Suit from 'disposed of' to 'pending'.

155. Considering the above submissions, it is clarified that although the hearing held on 08.08.2025 pertained to Plaintiff No. 1's proprietorship of the Mark 'POSTMAN', validity of the registration of the Trade Mark 'SUPER POSTMAN' as per Section 57 of the Act, maintainability of IA 34537/2024 filed under Section 124 of the Act and infringement of Plaintiff No. 1's Mark 'POSTMAN' and grant of injunction as prayed for by the Plaintiffs, the Issues with regard to passing off and the quantification of the damages sought by the Plaintiffs based on the documentary and oral evidence will require further hearing.

156. Accordingly, in the interest of justice, the order dated 08.08.2025 is clarified to the extent that the Issues on passing off and quantification of the damages sought by the Plaintiff are not covered by this Judgement. Accordingly, the pronouncement made on 26.09.2025 is recalled in view of the prayer made in this Application. The Registry is directed to change the status of this Suit as 'pending' from 'disposed of'.

157. Accordingly, the present Application being IA 32689/2025 for clarification is partially allowed to the aforesaid extent and stands disposed of."



15. In view of the above, the order which was reserved on 08.08.2025 and pronounced on 26.09.2025 was recalled as per prayer made by the Applicants / Defendants in I.A. 32689/2025 and a consolidated judgment including the decision on I.A. 32689/2025 was passed on 09.01.2026. The operative portion of the judgement dated 09.01.2026 states as under:

“158. In view of the above analysis, it is directed that:

viii. IA 32689/2025 filed by Defendant Nos. 1 and 2 under Section 151 of CPC for clarification of order dated 08.08.2025 is partially allowed to the extent that the Issues on passing off and quantification of the damages sought by the Plaintiffs are not covered by this Judgment.

ix. The pronouncement made on 26.09.2025 is hereby recalled and the Registry is directed to change the status of the present Suit to be shown as 'pending' instead of 'disposed of'.”

16. Accordingly, the apprehensions of the Applicants / Defendants that there was an order passed on 26.09.2025 without notice and behind the back of the Applicants / Defendants is misplaced and based on erroneous assumption. On 08.08.2025, when the order was reserved, full opportunity of hearing was given to the Applicants / Defendants and thereafter, when the matter was listed for clarification on 19.12.2025, the learned Counsel for the Applicants / Defendants was present and sought time to make further submissions. Accordingly, the matter was listed on 22.12.2025 for hearing the learned Counsel for the Applicants / Defendants, when a full opportunity of hearing was granted to the learned Counsel for the Applicants / Defendants. Further, the Applicants / Defendants were also given opportunity of hearing on 23.12.2025 when I.A. 32689/2025 for clarification of order dated 08.08.2025 was listed for hearing.



17. Therefore, the submissions of the Applicants / Defendants that there was an order passed on 26.09.2025 recalling previous order without the notice or knowledge of the Applicants / Defendants is not accurate as no order was passed in absence of the Applicants / Defendants and the pronouncement made on 26.09.2025 was recalled at the request of the Applicants / Defendants as recorded in judgment dated 09.01.2026, which is a consolidated judgement after giving full opportunity of hearing to the Parties on 08.08.2025, 19.12.2025, 22.12.2025 and 23.12.2025. As there was no hearing held on 26.09.2025, there was no question of giving any opportunity of hearing to the Applicants / Defendants on that day.

18. In view of the above, since there was no order passed on 26.09.2025, a prayer in this Application to upload a copy of the same and providing a certified copy to the Applicants / Defendants is misconceived. The entire procedural history is recorded in the judgement dated 09.01.2026, which is a consolidated judgement passed in view of the prayers made in I.A. 32689/2025 filed by the Applicants / Defendants.

19. Hence, the present Application is dismissed.

TEJAS KARIA, J

FEBRUARY 27, 2026/ 'A'