



2025:DHC:8090-DB



\$~45

\* **IN THE HIGH COURT OF DELHI AT NEW DELHI**  
+ FAO (COMM) 262/2025, CM APPLs. 57240/2025,  
57241/2025, 57242/2025 & 57243/2025

K ARJUN SINGH AND OTHERS .....Appellants

Through: Mr. Kunal Khanna, Mr.  
Madhav Anand, Mr. Krtin Bhasin, Mr.  
Yashveer Singh, Mr. Udit Sharma and Mr.  
Kaulik Mitra, Advs.

versus

GM MODULAR PVT. LTD. ....Respondent  
Through: Mr. S.K. Bansal, Adv.

**CORAM:**  
**HON'BLE MR. JUSTICE C. HARI SHANKAR**  
**HON'BLE MR. JUSTICE OM PRAKASH SHUKLA**

**ORDER (ORAL)**  
**11.09.2025**

%

**C. HARI SHANKAR, J.**

1. We find from a reading of the impugned *ad interim* order that it has injuncted registered trademarks of the appellant after returning a finding of infringement which, according to our decision in *Vaidya Rishi India Health Pvt v Suresh Dutt Parashar*<sup>1</sup> read with the judgment of the Supreme Court in *S. Syed Mohideen v P. Sulochana Bai*<sup>2</sup> is *ex facie* impermissible.

2. Insofar as the aspect of passing off is concerned, there is no

<sup>1</sup> Judgment dated 7 August 2025 in FAO (COMM) 122/2024

<sup>2</sup> (2016) 2 SCC 683



2025:DHC:8090-DB



categorical finding of goodwill.

**3.** Given this position, Mr. Bansal, learned Counsel for the respondent is agreeable to the impugned order being set aside with a direction to the learned Commercial Court to decide the application under Order XXXIX Rules 1 and 2 of the CPC of the respondent finally, uninfluenced by any observation contained in the impugned order.

**4.** We order accordingly.

**5.** We are informed that the interim application of the respondent is now listed before the learned Commercial Court on 26 November 2025.

**6.** In view of the fair stand adopted by Mr. Bansal, we deem it appropriate to advance the hearing of the Order XXXIX Rules 1 and 2 application to 10 October 2025.

**7.** Both sides are directed to place on record short notes of their respective submissions not exceeding four pages each after exchanging copies with each other at least a week in advance of the next date of hearing on the file of the learned Commercial Court.

**8.** The learned Commercial Court would proceed to decide the Order XXXIX Rules 1 and 2 application uninfluenced by any observation contained in the impugned order.



2025:DHC:8090-DB



9. The appeal is allowed to the aforesaid extent.
  
10. All issues of fact and law shall be remained open to be argued before the learned Commercial Court.

**C. HARI SHANKAR, J.**

**OM PRAKASH SHUKLA, J.**

**SEPTEMBER 11, 2025/aky**