



2026:DHC:4358



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IN THE HIGH COURT OF DELHI AT NEW DELHI

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Date of Decision: 15th May, 2026

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CS(COMM) 383/2025

RAVINDER SINGH

.....Plaintiff

Through: Ms. Rajeshwari H. and Ms. Anshima Puri, Advocates.

versus

REGOSHIN HEALTHCARE PVT LTD & ORS.Defendants

Through: Mr. Bhuvan Mishra, Mr. Tanmay Mishra, Mr. Yash Maheshawari, Mr. Krishna Kanhaiya Kumar and Mr. Bethshy Gangte, Advocates for D-1 and D-3.

Mr. Rahul Kumar and Ms. Akanksha Singh, Advocates for D-2.

CORAM:**HON'BLE MS. JUSTICE JYOTI SINGH****JUDGEMENT****JYOTI SINGH, J.****I.A. 21970/2025 (u/O 7 Rule 10 of CPC on behalf of Defendants No. 1 and 3 for return of Plaintiff)**

1. This application is filed by Defendants No.1 and 3 seeking return of the plaint to be presented before the Court having territorial jurisdiction in the matter.

2. Present suit is instituted by the Plaintiff seeking *inter alia* decree of permanent injunction restraining the Defendants and all others acting on their behalf from manufacturing, selling, offering for sale, advertising and/or directly or indirectly dealing in any product using the impugned trademarks



and/or any other mark which is



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deceptively similar to Plaintiff's trademarks



, including the artistic work therein, in respect of dietary food supplements, pharmaceuticals, medicine, veterinary substances and preparations and other allied and cognate goods/services, amounting to infringement of trademarks/trade dress/copyright.

3. It is the case of Defendants No.1 and 3 that this Court lacks the territorial jurisdiction to entertain the present suit which is essentially predicated on Section 134 of the Trade Marks Act, 1999 ('1999 Act') and Section 20(c) of Code of Civil Procedure, 1908 ('CPC'). Learned Counsel for the Defendants argued that Section 134 of 1999 Act provides that a suit for infringement of trademark shall be instituted before the Court within the local limits of whose jurisdiction, at the time of institution of the suit, the person instituting the suit, actually and voluntarily resides or carries on business. A bare perusal of the plaint would reveal that Plaintiff neither voluntarily resides nor carries on business within the territorial jurisdiction of this Court inasmuch as paragraph 4 of the plaint discloses that Plaintiff has been trading under the name and style of M/s. Royal International at 2, Dashmesh Nagar, Focal Point Road, Near Taaran Wala Pull, Amritsar, Punjab. Further, the documents filed with the plaint also corroborate this fact. Document-1 is an online extract of GST registration of the Plaintiff, which shows that Plaintiff's principal place of business is Amritsar, Punjab.



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Document-2 is a Deed of Partnership dated 29.01.1998, which shows Plaintiff's company address as 121/7, City Centre, Amritsar. Document-5 is a drug license of the Plaintiff, which demonstrates that license was granted for sale and distribution for premises situated in Amritsar and no license for sale in Delhi has been filed. Document-6 is the Importer-Exporter Code, which also shows the registered address is Amritsar and Document-7 which is the online status report of Plaintiff's registration of the trademark also reflects the address in Amritsar. All other documents filed with the plaint such as Document-8/TM Registration Certificate; Document-9/Certificate of year-wise sales turnover issued by Chartered Accountant; Document-11/Legal Proceeding Certificate; and Document-12/Online extracts of Webpages relating to the Plaintiff demonstrate that its place of business is Amritsar, Punjab. It is a settled law that the residence of the Plaintiff or its place of business is a *sine qua non* for instituting a suit under Section 134 of 1999 Act or Section 62 of the Copyright Act, 1957 ('1957 Act').

4. It was further argued that no cause of action has arisen in favour of the Plaintiff within the territorial jurisdiction of this Court in terms of Section 20(b) and (c) of CPC. It is no longer *res integra* that cause of action for filing a suit involving rights in a trademark arises at each and every place, where there is any form of use of the trademark and the same principle applies to passing off action. [***Ref: Burger King Corporation v. Techchand Shewakramani and Others, 2018 SCC OnLine Del 10881***]. To set up a cause of action in Delhi, Plaintiff has averred in paragraphs 36 and 51 of the plaint that Plaintiff has a strong apprehension that Defendants might be conducting their activities from Delhi; and Defendants offer for sale their pharmaceutical products through their respective websites and



third party websites in Delhi, however, these averments are factually incorrect. Defendants No.1 and 3 do not carry on business within the jurisdiction of this Court and Plaintiff has not placed any document on record which would show otherwise. No material has been placed on record to show any sale by the Defendants in Delhi. As per the Drug Rules, 1945 ('1945 Rules') framed under the Drugs and Cosmetics Act, 1940, ('1940 Act') more particularly, Rule 62 if the drugs are sold or stocked for sale at more than one place, then separate application has to be made and a separate license will be issued. In the absence of a drug license for Delhi, Defendants cannot and are not selling the impugned products in Delhi and hence, a mere apprehension or an alleged threat cannot vest this Court with territorial jurisdiction. In *Radico Khaitan Ltd. v. Nakshatra Distilleries & Breweries Ltd. & Anr.*, 2017 SCC OnLine Del 7682, Court held that if without applying for and obtaining approval of the Excise Authorities, Defendants cannot sell in Delhi, there can be no threat to sell in Delhi and the averments in the plaint are nothing but a piece of clever drafting.

5. It was further argued that the purported cause of action is wrongly predicated on the websites being accessible at Delhi. There is no averment that Defendants have actually sold products on any third party e-commerce website in Delhi. As far as Defendants' websites are concerned, they are passive websites for providing information about their products to the viewers and products cannot be purchased from these websites. Division Bench of this Court in *Kohinoor Seed Fields India Pvt. Ltd. v. Veda Seed Sciences Pvt. Ltd.*, 2025 SCC OnLine Del 8727, had the occasion to deal with passive versus interactive websites and it was held that the judgment in the case of *World Wrestling Entertainment, Inc. v. M/s. Reshma Collection*



& Ors., 2014 SCC OnLine Del 2031, extends in a case of e-commerce, the situs to include every place where a commercial transaction could be concluded and goods bought or sold, even if no actual transaction is shown. In the instant case, there is no potential of any commercial transaction being concluded in Delhi since the goods in question are pharmaceuticals etc. and Defendants do not have a drug license for Delhi.

6. The over-emphasis of the Plaintiff on the registered office of Defendant No.1 being located in Delhi is of no consequence for two reasons. Firstly, in law, it is not the situs of the registered office but the use of the mark which constitutes cause of action in an action for infringement. Similarly, in an action for passing off, Plaintiff must show that Defendants are passing off their goods as those of the Plaintiff, which would necessary entail that the actual transaction is possible in the given jurisdiction. In the absence of drug licence, no sales are possible in Delhi and hence, the mere existence of a registered office in Delhi cannot give jurisdiction to this Court to entertain the suit. Secondly, as a matter of fact Defendant No.1 has never carried on business from the registered office and this office has been used only for correspondence with the Government. In **Indovax Pvt. Ltd. v. Merck Animal Health and Ors., 2017 SCC OnLine Del 9393**, this Court held that where goods of the Defendant are not available for sale within the jurisdiction of the Court, it cannot be said that a ordinary person is likely to buy the goods of the Defendant believing that they are buying goods of the Plaintiff. In such cases, it cannot be said that the cause of action has arisen within the jurisdiction of this Court.

7. Last but not the least, it was argued that even if this Court is of the view that it has territorial jurisdiction to entertain the suit, it is the Court of




Punjab, which is the convenient forum for the Plaintiff and the Defendants on a meaningful reading of the plaint and hence, by operation of Section 22 of CPC, the suit be transferred to Punjab, where it would be more appropriately tried. [*Ref: Bigtree Entertainment Pvt. Ltd. v. Saturday Sunday Media Internet and Ors., MANU/DE/4188/2015*]. In light of these objections, it was urged that on a meaningful reading of the plaint and the documents filed therewith, this Court has no jurisdiction and the plaint be returned to the Court of competent jurisdiction.



8. Responding to the arguments of Defendants No.1 to 3, learned counsel for the Plaintiff submitted that the application is wholly misconceived and deserves to be dismissed. It is a settled principle of law that while considering an application under Order VII Rule 10 CPC, Court must confine itself strictly to the averments in the plaint on a mere demurrer and the documents annexed thereto. It is not open to Defendants to argue that the Court should examine their defence and moreover, the averments in the plaint at this stage have to be taken as the gospel truth. In *Exphar Sa and Another v. Eupharma Laboratories Ltd. and Another, (2004) 3 SCC 688*, the Supreme Court observed that when an objection to jurisdiction is raised by way of a demurrer and not at the trial, objection must proceed on the basis that facts, as pleaded by the initiator of the impugned procedure, are true. The Supreme Court also observed that the objection as to jurisdiction in order to succeed must demonstrate that granted those facts, the Court does not have jurisdiction as a matter of law and for determining so, it is only the plaint and the documents filed with it, which need to be seen and written statement is not to be looked into at all. In *M/s. RSPL Limited v. Mukesh Sharma & Anr, 2016 SCC OnLine Del 4285*, the






Division Bench of this Court held that objection to territorial jurisdiction under Order VII Rule 10 CPC is by way of demurrer which means that the objection has to be construed after taking all averments in the plaint to be correct. Reliance was also placed on the judgment of the Division Bench in ***Kohinoor Seed (supra)***.

9. It was also urged that a bare reading of the plaint would show that Plaintiff has specifically pleaded that Defendant No.1 applied for

registration of impugned trademark  against which Plaintiff filed opposition but no counter statement was filed by Defendant No.1 and no steps have been taken for renewal of the application after 19.04.2024. Defendant No.3 is the manufacturer of Defendant No.1 and internet search revealed several webpages of Defendant No.2, where goods are offered for

sale under the impugned trademarks  and . It is also pleaded that Defendants are offering for sale pharmaceutical and

medicinal products under the impugned trademarks/labels ,

 and  through their respective websites and third party websites including but not limited to www.indiamart.com and www.justdial.com. It is specifically pleaded in paragraph 36 of the plaint that there is a strong apprehension that Defendants might be conducting their impugned activities through their websites and other third party interactive



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websites, all of which are accessible and visible to traders, customers and public throughout India including Delhi and details of the websites and respective URLs have also been furnished with respect to www.indiamart.com and www.justdial.com which show that impugned goods are available on these websites. The dedicated website of Defendant No.1 www.regoshin.com has a 'Contact Us' webpage which reflects the address of registered office at Delhi as also the corporate address, contact details, timings of visitation and business coordinates, communication details and commercial touch points, through which Defendant No.1 can be contacted and this is an invitation to potential customers to buy products including those in Delhi. The website contains the products' listings of Defendant No.1 and is accessible and visible to traders, consumers and public at large throughout India including Delhi and there is no gainsaying that potential customers are being lured into placing orders after seeing the website, even assuming the website is passive and hence, part cause of action has arisen at Delhi.

10. It was contended that examined on a mere demurrer, the averment that the 'Contact Us' page is accessible in Delhi, copy of which is filed with the plaint, and there is an online solicitation mechanism, constitutes sufficient commercial interface to give jurisdiction to this Court and entails dismissal of the application. Whether or not such online presence results in actual commercial transactions, purposeful targeting, actual solicitation or resultant injury is a matter of trial and cannot be adjudicated in an application under Order VII Rule 10 CPC. Reliance was placed on the judgments of the Division Benches of this Court in *World Wrestling (supra)* and *Kohinoor Seed (supra)* and of Co-ordinate Benches of this Court in *Cadila Healthcare*



Limited v. Uniza Healthcare LLP and Another, 2021 SCC OnLine Del 3330 and Sun Pharmaceutical Industries Ltd. v. Artura Pharmaceuticals P. Ltd., 2025 SCC OnLine Del 8642, to support this plea.

11. It was argued that Plaintiff has averred that proprietors of Defendants No.2 and 3 are family members and/or Directors of Defendant No.1 and are manufacturing, selling and marketing counterfeit medicinal and pharmaceutical goods in collusion with each other. Defendant No.2 has dedicated webpages where goods under the impugned trademark



are being offered for sale to general public and Defendant No.4 is also selling counterfeit goods as per information available on World Wide Web and is in some way connected with Defendants No.1 and 2. Therefore, there are substantial averments in the plaint which point out that this Court has territorial jurisdiction and at this stage, plaint cannot be returned.

12. It was argued that as per Master Data of Defendant No.1 retrieved from Ministry of Corporate Affairs website, registered office of Defendant No.1 is at XV/2039, 1st Floor, Chuna Mandi, Paharganj, Central Delhi, New Delhi and this fact is not disputed even in the present application. Therefore, by virtue of Section 20(b) of CPC, this Court has a territorial jurisdiction to entertain the present suit, even assuming case under Section 134 of the 1999 Act is not made out. It is trite that jurisdiction under Section 134 is to provide an additional forum to the Plaintiff to sue the Defendant at a place where Plaintiff resides, carries on business or personally works for gain and cannot take away the jurisdiction of a Court under Section 20 of CPC, which



enables the Plaintiff to sue where the Defendant resides or carries on business and/or the cause of action arises, wholly or in part.

13. Heard learned counsels for the parties and examined their rival submissions.

14. It is the settled law that an application under Order VII Rule 10 CPC seeking return of plaint has to be decided on a mere demurrer and Court is only required to consider the plaint and the documents filed therewith. All averments made in the plaint at this threshold stage have to be accepted to be true and correct. In this context, I may allude to the observations of the Supreme Court in *Expfar (supra)* as follows:-

“9. Besides, when an objection to jurisdiction is raised by way of demurrer and not at the trial, the objection must proceed on the basis that the facts as pleaded by the initiator of the impugned proceedings are true. The submission in order to succeed must show that granted those facts the court does not have jurisdiction as a matter of law. In rejecting a plaint on the ground of jurisdiction, the Division Bench should have taken the allegations contained in the plaint to be correct. However, the Division Bench examined the written statement filed by the respondents in which it was claimed that the goods were not at all sold within the territorial jurisdiction of the Delhi High Court and also that Respondent 2 did not carry on business within the jurisdiction of the Delhi High Court. Having recorded the appellants' objections to these factual statements by the respondents, surprisingly the Division Bench said:

“Admittedly, the goods are being traded outside India and not being traded in India and as such there is no question of infringement of trade mark within the territorial limits of any court in India what to say of Delhi.”

15. Following this judgment, a Division Bench of this Court in *RSPL Limited (supra)* observed as follows, noting categorically that the written statement is not to be looked into at all at this stage:-

“11. It must be stated that it is a settled proposition of law that the objection to territorial jurisdiction in an application under Order 7 Rule 10 CPC is by way of a demurrer. This means that the objection to



territorial jurisdiction has to be construed after taking all the averments in the plaint to be correct. In Exphar SA v. Eupharma Laboratories Limited : (2004) 3 SCC 688, the Supreme Court observed that when an objection to jurisdiction is raised by way of demurrer and not at the trial, the objection must proceed on the basis that the facts, as pleaded by the initiator of the impugned procedure, are true. The Supreme Court further observed that the objection as to jurisdiction in order to succeed must demonstrate that granted those facts, the Court does not have jurisdiction as a matter of law. It is also a settled proposition of law that while considering a plaint from the standpoint of Order 7 Rule 10 CPC, it is only the plaint and the documents filed along with it, that need to be seen. The written statement is not to be looked into at all.”

16. It is thus clear that while deciding the present application, Court has to decide the objection of territorial jurisdiction on a demurrer and all pleaded facts and averments in the plaint have to be assumed to be the gospel truth. Any defence set up by the Defendants is not to be considered at this threshold stage. In other words, when jurisdiction is challenged by way of demurrer and not at trial, objection must proceed on the basis that the averments of the plaint are true and Defendant can succeed in its claim for return of plaint only if it is able to demonstrate that granted those facts Court will have no jurisdiction as a matter of law. It is equally settled that Section 20 CPC will govern the territorial jurisdiction in the suit for trademark infringement and passing off and Section 134 of 1999 Act provides an additional forum to the Plaintiff, meaning thereby that Section 20 will not be an impediment to approach a forum.

17. As noted above, Defendants plead that Plaintiff cannot invoke Section 134 of the 1999 Act as Plaintiff neither resides nor carries on business in Delhi and all documents indicate that its business is being carried on at Amritsar, Punjab. It was argued that it is the use of the impugned mark which gives rise to impugned action in a suit for infringement and for a



claim of passing off to succeed, the action of attempting to pass off the goods must take place within the jurisdiction of the Court and since neither of the two events have occurred in Delhi, no cause of action arises within the jurisdiction of this Court in terms of Section 20 (c) CPC. It was also urged that Defendants do not carry on business in Delhi as they do not possess the drug licence to sell the products in question and hence mere existence of registered office of Defendant No.1 in Delhi is not enough to invoke Section 20 (b) CPC. The insistence that website of Defendant No.1 has a 'Contact Us' page and its accessibility in Delhi clothes this Court with jurisdiction is without any foundation as the website is passive and only conveys information about the said Defendant. No commercial transaction can be concluded on this website. Similar argument is raised with respect to third party e-commerce websites such as IndiaMart and Justdial that these are merely information directories and no products can be purchased on them.

18. Plaintiff, on the other hand, vehemently urged that this Court has jurisdiction to entertain the suit for reasons set out in the plaint. While deciding an application under Order VII Rule 10 CPC, plaint has to be seen on a mere demurrer. Section 134 of the 1999 Act has been rightly invoked and additionally, Defendant No.1 has a registered office in Delhi as also a dedicated website with a 'Contact Us' webpage which is accessible to consumers in Delhi and the website enlists the products which Defendants offer for sale and advertise to potential consumers in India including Delhi.

19. Insofar as Section 134 is concerned, there is *prima facie* merit in the objection raised by the Defendants since Plaintiff does not voluntarily reside or carries on business in Delhi and all documents thus far placed on record indicate that Plaintiff carries on business from Amritsar, Punjab. However,



Section 134 is only an additional forum available to the Plaintiff and indisputably, Section 20 CPC will govern the territorial jurisdiction of the Court, which means that if Plaintiff is able to demonstrate that it is pleaded in the plaint that either Defendants at the time of commencement of the suit carried on their business in Delhi or cause of action has arisen, wholly or in part at Delhi, the application under Order VII Rule 10 CPC must be dismissed. Close perusal of the averments in the plaint show that Plaintiff has pleaded that Defendant No.1 has its registered office in Delhi and the registered address is also furnished. Additionally, Plaintiff has averred that Defendant No.1 has a dedicated website with a 'Contact Us' page which is accessible to potential consumers in Delhi and which gives information of its address, contact points, visiting timings and the website displays and lists the impugned products. Screenshot of the webpage has been filed in the list of documents along with the plaint. There are assertions that members of public in Delhi can also access the listings of Defendant No.1's products on this website and therefore, the 'Contact Us' webpage really functions as an advertisement/offer for sale of the products of Defendant No.1. Plaintiff has also averred that this Court has jurisdiction to entertain the suit as third party e-commerce websites such as IndiaMart and Justdial offer their products and URLs have been provided.

20. The issue of 'Contact Us' page inviting users to 'write to us' for services came up for consideration before the Co-ordinate Bench of this Court in *Sun Pharmaceutical (supra)* and the application under Order VII Rule 10 CPC was dismissed. In the said case, Plaintiff had filed a suit seeking permanent injunction for infringement of trademarks, passing off, etc. and an *ex parte* ad interim injunction was granted in favour of the



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Plaintiff and against the Defendant. The dispute was between the marks PEPFIX and NEOVITAL, the impugned marks and trademarks PEPFIZ and REVITAL, the registered trademarks of the Plaintiff. Defendant filed an application under Order VII Rule 10 CPC seeking return of the plaint and urged that Defendant's registered office was in Chennai and manufacturing facility was in Andhra Pradesh and further that Defendant was manufacturing products under the impugned marks only for export purposes with no sales in India. It was also urged that Defendant was not hosting any interactive website and thus consumers could not purchase any product from the impugned website. The 'Contact Us' section in the impugned website was not meant for placing orders for any products and Defendant was not selling in India on any third-party websites/e-commerce portals. It was also contended that website <https://www.pharmahopers.com> was not an e-commerce portal and consumers could not purchase products from there and that this was only a directory of manufacturers, importers, exporters and respective pharmaceutical preparations. Reliance was placed on the judgments of this Court in *Banyan Tree Holding (P) Limited v. A. Murali Krishna Reddy & Anr.*, 2009 SCC OnLine Del 3780, *Federal Express Corporation v. Fedex Securities Limited & Ors.*, 2018 SCC OnLine Del 7824 and *Kohinoor Seed Fields India Private Limited v. Veda Seed Sciences Private Limited*, 2025 SCC OnLine Del 2404. Plaintiff, on the other hand, submitted that the application was to be decided on a demurrer, taking the averments in the plaint to be correct and it was pleaded that the impugned website showed a 'Contact Us' page, product brochure and listing of the impugned marks. Reliance was placed on the judgment of this Court in *Tata Sons Private Limited v. Hakunamatata Tata Founders and Others*,



2022 SCC OnLine Del 2968.

21. Looking at the respective contentions of the parties, Court posed a question as to whether ‘Contact Us’ page can be held to be sufficient to make the website interactive to confer territorial jurisdiction on the Court in an internet-based trademark dispute. Answering the question posed, Court observed that the demurrer principle requires the Court to assume the correctness of all averments in the plaint and determine whether, even while accepting those facts to be true, Court lacks jurisdiction as a matter of law. Having so observed, Court held as follows:-

“22. Having considered the submissions advanced by the learned Counsel for the Parties, the pleadings and the documents on record, the jurisdiction has been pleaded in Paragraph No. 37 of the Plaint which is reproduced hereunder:

“37. This Hon'ble Court has the jurisdiction to entertain and try the present suit under the provisions of Section 20 CPC as the Defendant is selling its products in Delhi, and is also carrying on business at Delhi through its website, namely <http://www.arturapharma.com/>, and other third party websites, namely <https://www.pharmahopers.com/>, which is accessible to residents of New Delhi. The Defendant has a Contact us section, from which the Defendant can be contacted to enquire about and place orders for the products under the impugned marks, and the same is accessible in Delhi. The same is causing injury to the Plaintiff. The Defendant's medicine under the impugned marks are selling at Delhi. The customers within the jurisdiction of this Hon'ble Court are getting confused and are being misled to procure the Defendant's medicines, which is causing injury to the Plaintiff at Delhi. This all gives rise to a substantial and integral part of the cause of action to have arisen in Delhi, within the jurisdiction of this Hon'ble Court.”

23. The Defendant contends that even though the Plaintiff may have its Head Office in Delhi, the present Suit ought to have been filed in Telangana as the cause of action has arisen in Telangana. Further, the Defendant is located in Telangana and the Plaintiff itself has a subordinate office in Telangana. Therefore, according to the Defendant, Telangana is the proper jurisdiction for hearing the present Suit.

24. Per contra, the Plaintiff has submitted that since a part of the cause of action has arisen in Delhi, the present Suit can be filed in Delhi. The



Plaintiff contends that when a cause of action arises in more than one place, the Plaintiff has the right to file the Suit in any one of those places. The Plaintiff further submitted that even if it is assumed that no cause of action has arisen in Delhi, the present Suit can still be filed in Delhi on the ground that the Plaintiff has its Registered Office in Delhi. The mere fact that the Plaintiff has a subordinate office in Telangana does not take away the right of the Plaintiff to file the Suit in Delhi where its Registered Office is situated.

25. The central issue in this Application is whether “Contact Us” page can be held to be sufficient make the website interactive to confer territorial jurisdiction on this Court in an internet-based Trade Mark dispute. Under Order VII Rule 10 of the CPC, objections to jurisdiction are decided by demurrer, thereby all pleaded facts are assumed to be true at this preliminary stage, and the Plaintiff is not required to prove those facts through evidence. The demurrer principle requires the Court to assume the correctness of all averments made in the Plaint and determine whether, even while accepting those facts to be true, the Court lacks jurisdiction as a matter of law.

26. The Supreme Court in Exphar SA (supra) has categorically held that when jurisdiction is challenged by way of demurrer and not at trial, the objection must proceed on the basis that the facts as pleaded are true, and the objection can succeed only if it is demonstrated that granted those facts, the Court does not have jurisdiction as a matter of law. In Trade Mark infringement and passing off Suits, Section 20 of the CPC governs territorial jurisdiction, which arises where the wrong occurred or where the cause of action, in whole or in part, arose within the jurisdiction of the Court, and as observed in Millennium & Cophorne International Limited (supra), the cause of action axiomatically arises where confusion or deception essential for infringement or passing off takes place or where injury is caused to the plaintiff, requiring examination of whether any part of the cause of action arose within Delhi.

27. The principles governing internet jurisdiction were laid down in Banyan Tree (supra), which established that the Court must apply the “sliding scale test” and “effects test” to determine jurisdiction in internetbased disputes. These tests are to be applied to determine the nature and extent of the Defendant's activities and whether they amount to purposeful availment of the forum, and not to deny jurisdiction at the threshold stage where the Plaintiff has made specific averments about website accessibility and interactivity.

28. The Plaintiff has pleaded in the Plaint that the Impugned Website has a “Contact Us” page inviting users to “write to us” for services, which amounts to an invitation to potential customers including those in Delhi, and has further pleaded that the Defendant has made available Product



Brochures mentioning the Impugned Marks for download from the Impugned Website, and that the Impugned Marks, 'NEOVITAL' is actively listed on the Subject Website, which explicitly declares its purpose as facilitating trade opportunities and promoting products and services online for the pharmaceutical industry. These averments, which must be accepted as true at this stage, establish prima facie that the Defendant has made its products accessible to consumers in Delhi through internet platforms, and that the Defendant is purposefully availing itself of the forum by maintaining an online presence that is accessible to and targets consumers in Delhi, thereby creating the potential for confusion and deception among Delhi-based consumers who may encounter these Impugned Marks online.

29. The Defendant's argument that no sales invoice or purchase order has been produced showing delivery of products in Delhi will not be bar the jurisdiction of this Court so long as there is averment in the Plaint that there the website offered by the Defendant is containing the products with the Impugned Marks, the same is accessible to consumers in Delhi and it is interactive in nature. The Defendant's contention that the Impugned Website is merely "passive plus" and does not facilitate commercial transactions requires further requires leading of evidence and cannot be conclusively determined at this stage without examination of the complete functionality of the "Contact Us" page inviting users to write for services and the availability of product brochures. Such functionality of the Impugned Website can reasonably be construed as facilitating commercial transactions, and whether the same amount to sufficient interactivity to establish jurisdiction is a mixed question of law and fact requiring determination at the stage of trial.

30. The distinction between passive, passive plus, and interactive websites as laid down in Banyan Tree (supra) is not a rigid categorization that can be mechanically applied at the preliminary stage, but requires detailed examination of the actual functionality, purpose, and effect of the Impugned Website, which can only be properly undertaken through trial after Parties lead evidence about the nature of online interactions, the purpose, functionality and effect of the Impugned Website, and whether any confusion or deception actually occurred in Delhi.

31. The third-party listing on the Subject Website, which the Defendant characterizes as a mere directory, must be viewed in light of the Plaintiff's pleading that this platform explicitly declares its purpose as facilitating trade opportunities and promoting products online for the pharmaceutical industry, and contains an interactive enquiry form soliciting product requirements from potential buyers, which averments must be accepted as true under the demurrer principle. Whether this amounts to sufficient commercial activity to establish jurisdiction or is merely a passive



directory listing is a question of fact requiring examination through evidence and cannot be summarily determined at this preliminary stage in favor of the Defendant.

32. As observed by this Court in Tata Sons (supra), that the targeting need not be a very aggressive act of marketing aiming at a particular set of customers and mere looming presence of a website in a geography and ability of the customers therein to access the website is sufficient, in a given case.

33. The issue of territorial jurisdiction, being a mixed question of law and fact, involving factual controversies about the nature and extent of online activities may not be always resolved at the threshold stage. The Plaintiff has made specific averments that the Defendant's products under the Impugned Marks are accessible to consumers in Delhi through the Impugned Website and the Subject Website. This Court has found that the Impugned Marks prima facie are deceptively similar to the Plaintiff's Trade Marks. The Nutritional Supplement Brochure available on Impugned Website mentions the Impugned Marks. Such accessibility of the products containing the Impugned Marks on the Impugned Website creates the likelihood of confusion and deception among the consumers within the jurisdiction of this Court, who can freely access the Impugned Website and contact the Defendant through "Contact Us" page for availing the services. The only service the Defendant offers is manufacturing and sale of the products that includes products containing the Impugned Marks. This amounts to part of the cause of action having arisen in Delhi.

34. The question whether through the "Contract Us" page on the Impugned Website, the Defendant has actually entered into commercial transactions of sale with Delhi-based consumers and whether the Defendant is only having export-only business would require leading of evidence by both the Parties and will have to be established at the stage of trial in this Suit. All these disputed questions of fact cannot be determined at this stage without examination of evidence, including the evidence about the actual functionality of the Impugned Website and the Subject Website, the nature of enquiries received by the Defendant through these platforms, whether any such enquiries originated from Delhi, the intended market for the Defendant's products, and whether Delhi-based consumers have been exposed to or confused by the Impugned Marks.

35. The extent and nature of the Defendant's online activities by publishing the Nutritional Supplement Brochure mentioning the Impugned Marks on the Impugned Website and having the "Contact Us" page are sufficient to establish jurisdiction of this Court and permit the Suit to proceed to trial rather than summarily returning the Plaint at this preliminary stage.



36. *The jurisdictional objection raised by the Defendant involves disputed questions of fact that cannot be satisfactorily resolved at this stage. The bare perusal of the Complaint and documents filed therewith disclose that part of the cause of action has arisen in Delhi through the accessibility of the Defendant's products under the Impugned Marks to Delhi-based consumers via the Impugned Website and the Subject Website. The true nature and extent of the Defendant's online activities, the purpose and effect of maintaining product information containing the Impugned Marks and inviting the consumers to contact the Defendant for availing services of the Defendant amounting to sufficient purposeful availment to establish jurisdiction resulting in actual confusion or injury to Plaintiff in Delhi would require detailed examination after the trial stage rather than summary dismissal at this threshold stage under Order VII Rule 10 of the CPC.*

37. *In the facts and circumstances of this case, the proper course is to allow the Suit to proceed for trial after completion of pleadings and framing of Issues, where the Defendant's objection to territorial jurisdiction of this Court shall be framed and decided as a Preliminary Issue, after both Parties are given opportunity to lead evidence on the factual aspects, including evidence about the nature and functionality of the Impugned Website and the Subject Website, the extent of the Defendant's activities in Delhi, whether any commercial transactions or enquiries originated from Delhi, and whether any confusion or deception occurred amongst Delhi-based consumers.*

38. *In view of the above, the present Application is hereby dismissed, while reserving the right of the Defendant to raise the issue of territorial jurisdiction during trial and the issue regarding the territorial jurisdiction of this Court shall be decided as a Preliminary Issue."*

22. In ***Novartis AG and Others v. Novartis Pharma and Others, 2026 SCC OnLine Del 811***, a similar view has been taken by the Co-ordinate Bench dealing with a 'Contact Us' page of the Defendants on the website of IndiaMart and relevant passages are as follows:-

"4. Defendant Nos. 1 to 3 contend that even though the Plaintiffs have filed the present Suit before this Court, no cause of action arises in Delhi, as Defendant Nos. 1 to 3 are dealing with the pharmaceutical and veterinary products in localised offline markets in Begusarai and Patna, Bihar and, therefore, the cause of action for the present Suit has arisen in Begusarai and Patna, Bihar. Further, Defendant Nos. 1 to 3's online listing is merely passive and informative and does not enable any commercial transaction and Defendant Nos. 1 to 3 are located in



Begusarai and Patna, Bihar. Therefore, according to Defendant Nos. 1 to 3, Begusarai and Patna, Bihar is the proper jurisdiction for hearing the present Suit. Per contra, the Plaintiffs have submitted that since a part of the cause of action has arisen in Delhi, the present Suit can be filed in Delhi. The Plaintiff contends that when a cause of action arises in more than one place, the Plaintiffs have the right to file the Suit in any one of those places.

5. At this preliminary stage, the objection to jurisdiction is to be decided by demurrer, thereby all pleaded facts are assumed to be true, and the Plaintiffs are not required to prove those facts through leading evidence. The demurrer principle requires the Court to assume the correctness of all averments made in the Plaint and determine whether, even while accepting those facts to be true, the Court lacks jurisdiction as a matter of law.

6. It is settled law that when jurisdiction is challenged by way of demurrer and not at trial, the objection must proceed on the basis that the facts as pleaded are true, and the objection can succeed only if it is demonstrated that granted those facts, the Court does not have jurisdiction as a matter of law. In Trade Mark infringement and passing off suits, Section 20 of the CPC governs territorial jurisdiction, which arises where the wrong has occurred or where the cause of action, in whole or in part, arises within the jurisdiction of the Court.

7. The Plaintiffs have pleaded that this Court has the jurisdiction to entertain the present Suit as the Defendants are carrying on business from within the jurisdiction of this Court through the website of IndiaMart. Further, the 'Contact us' page on Defendants' IndiaMart page shows the Defendants' place of business as 'Delhi'. In view of the same, the principle of dynamic effect and mere looming presence on the internet will confer jurisdiction on this Court as the Defendants have themselves shown their place of business at Delhi and have not denied the fact of mentioning such fact.

8. Accordingly, it is prima facie shown that the Defendants have made its products accessible to consumers in Delhi through internet platforms, and that the Defendants are purposefully availing itself of the forum by maintaining an online presence that is accessible to and targets consumers in Delhi by mentioning the place of business as Delhi thereby creating the potential for confusion and deception among Delhi-based consumers.

9. The Defendant Nos. 1 to 3's contention that the IndiaMart listing for the Defendant's product is merely passive and does not facilitate commercial transactions requires further leading of evidence and cannot be conclusively determined at this stage without examination of the complete functionality of the 'Contact Us' page of the Defendants' IndiaMart listing. The functionality of the Defendants' IndiaMart listing can reasonably be



construed as facilitating commercial transactions, and the question as to whether the same amounts to sufficient interactivity to establish jurisdiction, is a mixed question of law and fact requiring determination at the stage of trial.

10. As has been held by this Court in in Sun Pharmaceutical (supra), that the question whether the 'contact us' page of the impugned website has led to sales in Delhi would require to be examined by way of evidence by both the parties and, therefore, the factum of extent and nature of the defendant's online activities, mentioning of the impugned marks on the website having 'contact us' page are sufficient to establish the jurisdiction of this Court and permit the suit to move forward rather than returning the plaint at the preliminary stage.

11. In view of the above, the plea of lack of territorial jurisdiction is rejected at this prima facie stage. The Defendants would always have the right to raise the issue of territorial jurisdiction at the stage of trial."

23. The aforesaid judgments, in my view, apply to the present case on all four corners. Plaintiff has pleaded in the plaint that Defendants are soliciting/networking with various dealers/shopkeepers/retailers/chemists for selling and distributing various pharmaceutical goods. There is a strong apprehension that Defendants might be conducted the impugned activities through their websites and other third-party interactive websites, all of which are accessible and visible to traders, consumers and public throughout India including Delhi. It is further stated that Defendants can be contacted directly or indirectly through these websites and URLs of the websites have been furnished in a tabular form in paragraph 36 of the plaint. It is further stated that Defendant No.1 has its registered office in Delhi and has obtained registration certification from Delhi office. In the paragraph related to 'jurisdiction', it is reiterated that the impugned products are listed on third-party websites, including but not limited to www.indiamart.com and www.justdial.com and further that customers, retailers, distributors in Delhi can establish contact with the Defendants through their websites. In support



of this averment, Plaintiffs have filed screenshot of webpages of Defendant No.1's website www.regoshin.com which is a 'Contact Us' webpage and on clicking on the same, a potential customer is taken to another webpage, which reflects the registered address of Defendant No.1 at Delhi as also corporate address, contact details and visitation hours. Additionally, the product listings are also visible on a separate tab under the heading 'Our Products'. These averments have to be accepted as true and correct at this stage and these assertions *prima facie* establish that products of the Defendants are accessible to consumers in Delhi and as held in ***Sun Pharmaceutical (supra)***, Defendants are purposefully availing themselves of the forum by maintaining an online presence that is accessible to and target consumers in Delhi. In this backdrop, *prima facie* there is a potential for confusion and deception amongst the Delhi based consumers, when they come across the listings of the Defendants on their websites. It is also important to point out that there is a categorical averment in the plaint that proprietors of Defendants No.2 and 3 are family members and/or relatives of Director of Defendant No.1 and Defendant No.3 is a manufacturer for Defendant No.1, while Defendant No.4 is also involved in manufacturing and exporting of goods under the impugned mark/label

ROYA/  and all the working jointly.

24. These averments in the plaint are sufficient at this threshold stage to hold that this Court has territorial jurisdiction to entertain the suit. The contention of the Defendants that they cannot sell the impugned products being drugs in Delhi since they do not have a drug license, is a defence which cannot be taken into consideration for deciding an application under



Order VII Rule 10 CPC. The contention of the Defendant in *Sun Pharmaceutical (supra)*, that no sales invoices or purchase orders were produced by the Plaintiff showing delivery of products in Delhi was negated by the Court holding that this will not bar the jurisdiction of the Court, so long there is averment in the plaint that there is a website of the Defendant, where it offers products with the impugned marks and the same is accessible to consumers in Delhi. In respect of the contention that the impugned website was merely ‘passive plus’ and did not facilitate commercial transaction, it was held that this issue requires leading of evidence and without trial complete functionality of the ‘Contact Us’ page inviting users to write for services and availability of product brochures, cannot be determined. Such functionality of the impugned website can reasonably be construed as facilitating commercial transactions and whether the same amounts to sufficient interactivity to establish jurisdiction, is a mixed question of law and fact, which can be determined only at the stage of trial.

25. Plaintiff has also averred in the plaint that Defendants’ product listings are visible on third-party e-commerce websites such as Justdial and Indiamart. Dealing with this aspect, in *Sun Pharmaceutical (supra)*, the Court has held that the contention of the Defendant therein that the website is only a directory, must be viewed in light of Plaintiff’s pleading that this platform facilitates trade opportunities and promotes products as also contains an enquiry in the form of soliciting product requirements, which must be accepted as true under the demurrer principle. In the instant case, Plaintiff has averred in the plaint that product listings of the Defendants are available on Justdial and IndiaMart and specific URLs have been given in paragraph 36 of the plaint. Applying the aforesaid judgment, at this



threshold stage, it is enough to state that the websites which are accessible at Delhi, do constitute facilitators by which the Defendants advertise and promote the products of the Defendants and allure the potential customers to buy them and this *prima facie* gives rise to part cause of action in Delhi. In *Tata Sons (supra)*, this Court held that targeting need not be a very aggressive act of marketing aiming at a particular set of consumers and mere looming presence of a website in a geographical area and the ability of the customers therein to access the website in a given case, is sufficient. The judgements relied upon by the Defendants do not specifically deal with the issue of Contact Us websites while judgements cited by the Plaintiff directly cover the issue and Defendants were unable to distinguish them.

26. In my considered view, seen on a mere demurrer the plaint has sufficient averments to make out a case that this Court has territorial jurisdiction to entertain this suit at this threshold stage. The disputed questions and defences raised by the Defendants can only be resolved finally after evidence is led by the respective parties.

27. Accordingly, this application is dismissed. It is, however, made clear that Defendants will have the liberty to raise the issue of territorial jurisdiction at appropriate stages of the suit, including at the time of deciding the application under Order XXXIX Rules 1 and 2 CPC.

I.A. 10553/2025 (u/O XXXIX Rules 1 and 2 CPC)

28. Pleadings be completed by the parties before the next date.

29. List before Court on 27.08.2026 for hearing.

JYOTI SINGH, J.

MAY 15, 2026/YA