

IN THE COURT OF SH. VIDYA PRAKASH  
DISTRICT JUDGE (COMMERCIAL COURT)-02  
NEW DELHI DISTRICT, PATIALA HOUSE COURTS  
NEW DELHI

CNR NO.: DLND010006472025  
[CS \(COMM.\)/73/2025](#)

IN THE MATTER OF:

Wings Pharmaceuticals P. Ltd.  
D-6, Udyog Nagar Indl. Area  
New Delhi, 110041  
E: [legal@wingspharma.com](mailto:legal@wingspharma.com)

... PLAINTIFF

VERSUS

Wingspan Pharmaceuticals P. Ltd  
H/o Anshu Sharma, Kamtachak  
Near Shemford Futuristic School  
PO: Mittanchak, PS Gaurichak  
Patna – 804453

... DEFENDANT

**ORDER**

1. Vide this common order, I shall decide two applications *i.e.* one under order XXXIX Rules 1 and 2 read with S. 151 CPC seeking an *ex parte ad interim injunction* against the defendant and another application under Order XXVI Rule 9 CPC read with S. 151 CPC seeking an *ex parte* order for appointment of Local Commissioner to visit and search the premises of the defendant, filed on behalf of the plaintiff.
2. The facts relevant for the disposal of aforesaid two applications are that the plaintiff, which is stated to be a company under the Companies Act, 2015, through its

authorized representative namely Mr. Budhi Singh Bisht, got instituted the present suit for permanent injunction restraining infringement of trade mark/ trade name/ passing off, unfair competition, rendition of accounts of profits and delivery up etc. against the defendant praying therein, *inter alia*, that the defendant be restrained from using impugned mark/ trade name/ corporate name **‘WINGSPAN/ WINGSPRAZ/ Wingspan Pharmaceuticals P. Ltd.’** [*hereinafter referred to as the ‘said impugned trade mark/ word mark/ corporate name/ device / label’*] or any other trade mark/ word mark/ corporate name/ device / label which is phonetically, visually, structurally and deceptively similar to well known registered trade mark/ word mark/ corporate name/ device/ label **‘WINGS**



**/Wingspan Pharmaceuticals P. Ltd./** [*hereinafter referred to the ‘said trade mark/ word mark/ corporate name/ device / label’*], which amounts to infringement of trade mark. Besides, the defendant be also restrained from passing of its goods under the said impugned trade mark/ trade name/ corporate name as that of the goods of the plaintiff.

3. The case of the plaintiff, as set out in the plaint, in nutshell is as under:-

- 3.1 The plaintiff (including its predecessor in title) was part of the Wings Group, and is recognized for its quality products that are manufactured and distributed across India since year 1980. The Wings


Group had burgeoned, and spawned new entities that have gained their own identities. The group has the following business entities: (1) Wings Pharmaceuticals P. Ltd.; (2) M/s Wings Biotech (now Wings Biotech LLP); and (3) Wings Biotech LLP, all three being sister concerns.

3.2 It is further averred that with unwavering focus and vision, the plaintiff has gained a distinct identity as one of the leading manufacturers of pharmaceutical and consumer healthcare products. Over the years, the plaintiff has grown phenomenally in segments like Acute, OTC, Life Care, Personal Care and Consumer Care. Keeping focus on customers remains a high priority area for the plaintiff. The plaintiff has a revered reputation, having been got rated as a valued company by its customers like Chemists, Stockists, Distributors and CFAs. The plaintiff has gone from strength to strength, building a name in the healthcare sector in India. With an impeccable track record of growth and profitability spanning three decades, the plaintiff is aggressively pursuing growth through market penetration.

3.3 Further, it is claimed that in the year 1980, the plaintiff's predecessor had adopted an arbitrary and distinctive trade mark **WINGS** in its trade trading name/ corporate name Wings Pharmaceuticals P. Ltd. as its trade mark/ trading name/ corporate name in respect of various types of

pharmaceutical and medicinal products and has been using the said trade mark / trade name continuously and extensively since then. Evidently, WINGS is the most essential and fundamental element of its corporate name, and is used as a standalone word as trademark and as trading name for pharmaceutical business. Further, it is claimed that trade mark/



device mark/ label WINGS /  are duly registered in class 5 under the provisions of the Trade Marks Act, 1999, which are stated to be renewed from time to time, valid and subsisting as on date in favour of the plaintiff. Details thereof have been given in Para no.12 of the plaint.

- 3.4 Further, it is stated that the plaintiff spends huge amount of money in advertising and promotion of its products under the said '*said trade mark/ word mark/ corporate name/ device / label*', due to which, the products of the plaintiff under the said '*said trade mark/ word mark/ corporate name/ device / label*' enjoy huge goodwill and reputation in business community and amongst public in general in India.
- 3.5 It is also claimed that the plaintiff's trade mark / trade name / corporate name has become a household name across India, synonymous with a wide range of trusted OTC Consumer Healthcare Company with 44 years of trust amongst the

consumers at large by their quality, dependability, reliability and authenticity of the services pertaining to medical products throughout India.

3.6 Further, it is claimed that on account of its good quality and standards of manufacturing and untiring efforts in advertising and marketing, the goods of the plaintiff under the said trade mark/ trade name/ device / label have acquired enviable reputation and goodwill throughout length and breadth of the country and the plaintiff has already built up a handsome and valuable trade thereunder and the details of year-wise sale/ turn over for period *w.e.f.* 2014-2015 to 2023-24 have been given in Para no.19 of the plaint, wherein it is shown that the plaintiff had sales worth Rs.35,83,40,615/- for the year 2014-2015, which has gradually increased to manifolds and was Rs.1,37,05,60,679/-in the financial year 2023-2024.

3.7 Thus, it is claimed that the said '*said trade mark/ word mark/ corporate name/ device / label*' have already become distinctive indicium of the plaintiff and its said goods and business thereunder and the purchasing public, traders and public at large associate, identify and distinguish the '*said trade mark/ word mark/ corporate name/ device / label*' with the plaintiff and the plaintiff's said goods and business alone. Thus, the plaintiff's WINGS has acquired a status of well-known mark under Section

2(zg) of the Trade Marks Act, 1999. Hence, it is claimed that in view of the plaintiff's proprietary rights under common law in its '*said trade mark/ word mark/ corporate name/ device / label*', and its goodwill & reputation, the plaintiff has the exclusive right to the use thereof and nobody can be permitted to use the same or any other deceptively similar trade mark/ word mark/ corporate name/ device / label in any manner whatsoever in relation to any specification of goods without the leave and license of the plaintiff.

3.8 It is alleged that the defendant, namely, Wingspan Pharmaceuticals P. Ltd. is a company incorporated under the Companies Act, 2013 and is engaged in the impugned activities of manufacturing and marketing of the products under the impugned mark / corporate name WINGSPAN / WINGSPRAZ / Wingspan Pharmaceuticals P. Ltd.

3.9 Further, it is stated that the defendant had filed an application for registration of the impugned mark WINGSPRAZ under no. 6056571 dated 08.08.2021 on proposed to be used basis in class 5. The said impugned application has been opposed by the plaintiff under opposition no. 1331100 dated 04.07.2024 at the first available opportunity. The said opposition proceedings are pending. A counter statement has been filed, which is yet to be served upon the plaintiff. It is stated that in the said counter

statement, the defendant has claimed use since its adoption but has failed to provide any specific date or year of adoption.


3.10 Further, it is stated that the defendant has also applied for the registration of the impugned mark WINGSPAN PHARMACEUTICALS PRIVATE LIMITED under application no. 6677692, dated 19.10.2024, in class 5 on a proposed to be used basis. The same is the stage of “Formalities Chk Pass”, and the plaintiff shall duly oppose the same as and when it is published for opposition.

3.11 It is also stated that at the time, these applications were discovered by the plaintiff, the goods of the defendant were not found available on online platforms, and it was safely assumed that the impugned marks were not in use. However, it is further alleged that in the first week of January 2025, the plaintiff came to know about the defendant’s impugned use. The plaintiff came across defendant’s products listings on e-commerce platform, namely [www.dawaiwala.com](http://www.dawaiwala.com), which is accessible and visible to customers and public at large throughout India including Delhi, as also within the jurisdiction of this Court.

3.12 Thus, it is alleged that the defendant has dishonestly and malafidely adopted impugned mark/ trade name/ corporate name ‘WINGSPAN/ WINGSPRAZ/

Wingspan Pharmaceuticals P. Ltd.’ which are identical and /or deceptively and confusingly similar to well known registered mark/ word mark/ corporate name/ device/ label ‘WINGS /Wingspan



Pharmaceuticals P. Ltd./ , trade mark/ trade name of the plaintiff, thereby causing confusion and deception amongst the unwary purchasing public and traders by making them believe that the origin of those goods is that of the plaintiff. It is further averred that by doing so, the defendant is not only damaging the reputation and goodwill of the plaintiff by passing off its substandard products as that of the plaintiff, but is also causing financial loss to the plaintiff by reaping unfair advantage of the repute and distinctive character of the said trademarks/ labels of the plaintiff.

4. On these grounds, by way of application under Order XXXIX Rules 1 & 2 CPC, the plaintiff has, thus, sought an *ex parte ad interim injunction* thereby restraining the defendant and all others acting on its behalf from passing off their impugned goods and business using impugned mark/ trade name/ corporate name ‘WINGSPAN/ WINGSPRAZ/ Wingspan Pharmaceuticals P. Ltd.’ or any other mark, which is/are identical and /or deceptively and confusingly similar to the registered mark/ word mark/



corporate name/ device/ label 'WINGS /Wingspan



Pharmaceuticals P. Ltd./ of the plaintiff.

5. I have already heard Sh. Sachin Gupta, Advocate, for the plaintiff and have duly considered the submissions made by him. I have also gone through the material available on record including the plaint and the documents relied upon by the plaintiff. I have also gone through the photographs of the plaintiff's and defendant's trademarks, which are annexed with the plaint.

*PLAINTIFF'S ARGUMENTS:*

6. It is submitted by Ld. Counsel of the plaintiff that trade mark 'WINGS' is registered as device mark in class 5 under the provisions of Trade Marks Act, 1999, vide Nos. 1012447 and 1012448, both dated 28.05.2001, both claiming user since 28.05.2001. Further, the device



is also duly registered under no. 2919580 dated 11.03.2015 in class 5 on proposed to be used basis. Ld. Counsel of the plaintiff, while pointing out from the record, has argued that the said trade mark/ device mark/ label are duly registered in favour of the plaintiff under the provisions of Trade Marks Act, 1999, which are renewed from time to time, valid and subsisting as on date in favour of the plaintiff.

7. It is also contended that the plaintiff through its predecessor has adopted the said trade mark/ trade name/

corporate name in the year 1980 and thus, the plaintiff through its predecessors is honest, *bona fide* and prior adopter and user of the said mark/ word mark/ corporate name/ device/ label 'WINGS /Wingspan Pharmaceuticals



P. Ltd./ . Thus, being prior adopter / user of said trade mark/ trade name, the plaintiff is entitled to protection. Hence, it is prayed that an *ex parte ad interim injunction* may be granted in favour of the plaintiff and against the defendant restraining it from using the said impugned trade marks/ labels/ word mark.

8. In support of his contentions, Ld. Counsel of plaintiff has relied upon the following judgments of Hon'ble Delhi High Court and Hon'ble High Court of Bombay:-

- 8.1 '*Intel Corporation v. Dinakaran Nair & Ors.*', reported as 2006 SCC OnLine Del 459;
- 8.2 '*United Biotech Pvt. Ltd. v. Orchid Chemicals & Pharmaceuticals Ltd. & Ors.*' reported as 2012 SCC OnLine Del 2942;
- 8.3 '*Novartis AG and Another v. Novaegis (India) Private Limited*', reported as 2023 SCC OnLine Del 1123; and
- 8.4 '*Indchemie Health Specialties Pvt. Ltd., Mumbai v. Naxpar Labs Pvt. Ltd. and Another*', reported as 2001 SCC OnLine Bom 868.

### *ANALYSIS & CONCLUSION*

9. Before advertizing to the present case, it is relevant to note down certain principles of law. The broad principle on which the foundation of the right to restrain the user of a similar name, was enunciated in *“British Vacuum Cleaner Co. Ltd. Vs. New Vacuum Cleaner Co. Ltd.”* (1907) 2 Ch. 312 referred to and relied upon in *“Office Cleaning Services Limited Vs. Westminster Office”* as under:

*“The foundation of the right to restrain the user of a similar name is the principle that no one is entitled to represent his business or goods as being the business or goods of another by whatever means that result may be achieved and it makes no difference whether the representation be intentional or otherwise; but a distinction has been and must always be drawn between cases in which the trade name or the part of it in question consists of word or words complained of, is or are of the character of a fancy word or words and primarily have no relation to such business or article but only to the person carrying on the business or dealing in the article”.*

10. It was in view of this principle that their Lordships held that “if it can be established that the descriptive word or words has or have acquired among the public, or that class of the public likely to deal with the business or goods in question, a subsidiary or secondary meaning denoting or connoting the business or the origin of the article, the person claiming to restrain the user of that word or those words, can obtain the relief he seeks.
11. The expression “*mark*” has been defined in the Trade Marks Act, 1999 as under:-

*“2. Definition and interpretation - (1) In this Act, unless the context otherwise requires:  
(m) “mark” includes, a device, brand, heading, label, ticket, name, signature, word, letter, numeral, shape of goods, packaging or combination of colours or any combination thereof”.*

12. The expression ‘*trade mark*’ has been defined in S. 2 (zb) of the Trade Marks Act, 1999 as a mark capable of being represented graphically and which is capable of distinguishing the goods or services of one person from those of others and may include shape of goods, their packaging and combination of colours; and a registered trade mark or a mark used in relation to goods or services for the purpose of indicating or so as to indicate a connection in the course of trade between the goods or services, as the case may be, and some person having the right as proprietor to use the mark; and if any mark is used in relation to other provision of this Act, a mark used or proposed to be used in relation to goods or services for the purpose of indicating or so as to indicate a connection in the course of trade between the goods or services, as the case may be, and some person having the right, either as proprietor or by way of permitted user, to use the mark whether with or without any indication of the identity of that person, and includes a certification trade mark or collective mark.

13. Now coming back to the case in hand.

*JURISDICTION:*

14. Firstly, as regards jurisdiction of this Court, while pointing out the relevant documents *i.e.* printouts taken from the website of Dawaiwala, placed at page nos. 362 to 366 of the paper book, Ld. Counsel of plaintiff has vehemently argued that this Court has the jurisdiction to entertain and

try the present suit under the provisions of Section 20 CPC as the defendant is carrying on business and is selling its product under the impugned mark on third party e-commerce and interactive website, namely [www.dawaiwala.com](http://www.dawaiwala.com), which is stated to be interactive in nature and is freely accessible and goods can also be sold, displayed, purchased and deliverable to any place including within the territorial jurisdiction of this Court. Thus, it is contended that the acts of Passing Off and infringement of trademark are being carried out within the jurisdiction of this Court and hence, part of cause of action has arisen within the jurisdiction of this Court.

15. In order to buttress the aforesaid submissions, Counsel of the plaintiff has relied upon the following judgments of Hon'ble Division Bench of our own High Court:-


- 15.1 *"RSPL Limited v. Mukesh Sharma & Anr"* reported as 2016 (68) PTC 178 [Del] [DB];

- 15.2 *"V Guard Industries Ltd. v. Sukan Raj Jain & Anr."* reported as 2021 (87) PTC 333 [Del]

- 15.3 *"Shree Girirajji And Co. v. Gagan Pagrani Proprietor of Plastica Industries"* bearing FAO (COMM) 47/2024, CAV 124/2024 CM APPL. 15789/2024 CM APPL. 15790/2024 decided on 14-03-2024.

16. In view of the aforesaid submissions made on behalf of the plaintiff and the law laid down in above noted judgments, the Court is of the *prima facie* view that this Court has got territorial jurisdiction to try and entertain the suit.

## *EX PARTE INJUNCTION*

17. Now coming to *ex parte injunction*.
18. The plaintiff has claimed that trademark/label/device under class 5 are registered in its favour. The plaintiff is found to have placed on record copies of the Registration Certificates with their status reports, as per which, such device mark  is *prima facie* shown to be subsisting in favour of the plaintiff as on date.
19. It is vehemently argued on behalf of plaintiff that although the mark 'WINGS' is registered as a device mark, yet the word 'WINGS' contained therein is also worthy of protection. The said argument finds favour in view of the decision of Division Bench of Hon'ble Delhi High Court in the case of United Biotech Pvt. Ltd. (supra), the relevant portion of which, is extracted hereunder:-

“XXXX

*26. We find that the learned Single Judge rightly held that when a label mark is registered, it cannot be said that the word mark contained therein is not registered. We, thus, are of the opinion that although the word "ORZID" is a label mark, the word "ORZID" contained therein is also worthy of protection. The learned Single Judge has rightly observed that the judgment of the Supreme Court in Ramdev Food Products Ltd. (supra) is the complete answer. This aspect is considered and the argument of the appellant is rejected in the following words:*

*"27. On whether the OCPL could successfully ask for rectification for UBPL's word mark FORZID notwithstanding that OCPL held registration only for a label mark, the judgment of the Supreme Court in Ramdev Food Products Ltd. v. Arvindbhai Rambhai*

*Patel, (2006) 8 SCC 726: AIR 2006 SC 3304 is a complete answer. The Court there referred to an earlier decision in Registrar of Trade Marks v. Ashok Chandra Rakhit, AIR 1955 SC 558, which concerned the proprietary mark 'Shree' which formed part of the device as a whole and was an important feature of the device. The Supreme Court observed that registration of a trade mark as a whole would give the proprietor "a right to the exclusive use of word 'Shree' as if separately and by itself." Therefore it would not be correct for UBPL to contend that the registration held by OCPL does not cover the word mark ORZID."*

XXXX”

20. During the course of arguments, learned counsel for the plaintiff also invited attention of the Court to the photographs of infringed goods bearing impugned trade mark /trade name/ corporate name sold by the defendant through website ‘Dawaiwala’, placed at page nos. 362 to 366 of the paper book. While referring to them, it is contended that the dishonest and *mala fide* intent on the part of defendant is evident from the fact that the defendant has slavishly copied the entire trade mark of the plaintiff by merely adding word ‘SPAN’ as suffix to the plaintiff’s registered trade mark/ trade name / corporate name ‘WINGS’ to come up with the impugned mark /corporate name WINGSPAN / Wingspan Pharmaceuticals P. Ltd., and yet the impugned trade mark/ trade name/ corporate name is phonetically identical and / or deceptively similar to the registered trade mark/ trade name/ corporate name of the plaintiff. Further, it is vehemently argued that the defendant has recently launched its impugned goods under the impugned trade mark and

goods are available in stock for procurement, as is shown from the said documents.

21. A bare perusal of impugned trade mark/ trade name/ corporate as adopted by the defendant, as placed on record, would *prima facie* show that the impugned trade mark / trade name/ corporate name WINGSPAN/ WINGSPRAZ/ Wingspan Pharmaceuticals P. Ltd. is phonetically and / or deceptively similar to trade mark/ trade name/ corporate name/ device/ label ‘WINGS /Wingspan Pharmaceuticals



P. Ltd./ in all material particulars and an unwary customer can be easily misled and deceived by the said infringed trademark and can be trapped in buying the infringed goods as that of the plaintiff. Therefore, it is clearly seen that the defendant has adopted the impugned trade mark / trade name/ corporate name WINGSPAN/ WINGSPRAZ/ Wingspan Pharmaceuticals P. Ltd., which is identical and/ or deceptively, phonetically, confusingly, and visually similar to plaintiff's trade name/ trade mark/ corporate name/ device / label ‘WINGS /Wingspan



Pharmaceuticals P. Ltd./ in respect of identical goods which creates the same commercial impression. It is an undisputed fact that both- the plaintiff and the defendant are dealing in similar goods through similar trade channel.


22. As regards the point as to whether there is similarity between two products, now, it is no more *res integra* that



test of deceptively similarity is that of a perspective from common man with average intelligence and imperfect recollection as laid down by Hon'ble High Court of Delhi in the case titled as "*Himalaya Drug Company v. M/s S.B.L. Limited*", 2012 (194) DLT 536. While applying the prudent test from the standpoint of a common/ lay man, it is *prima facie* shown that the defendant is passing off its products by prominently using phonetically and / or deceptively similar trade mark/ trade name/ corporate name WINGSPAN/ WINGSPRAZ/ Wingspan Pharmaceuticals P. Ltd. on its products, thereby giving an impression in the minds of common man that those products are coming from the house of the plaintiff.

23. In view of above discussion, this Court is of the opinion that a *prima facie* case of infringement of trademark, and passing off is made out in favour of the plaintiff and balance of convenience also lies in its favour. It can also be foreseen that irreparable loss in term of goodwill would be caused to the plaintiff if no *ex parte ad interim injunction* is passed in its favour.
24. For the forgoing reasons and till further orders, the defendant and all others acting on its behalf are hereby restrained from using impugned trade mark / trade name/ corporate name WINGSPAN/ WINGSPRAZ/ Wingspan Pharmaceuticals P. Ltd. in any form and manner, which is identical and/or deceptively and confusingly similar to plaintiff's registered trade mark/ trade name/ corporate name/ device/ label 'WINGS /Wingspan Pharmaceuticals



P. Ltd./ , on any goods, thereby infringing plaintiff registered trade mark and passing off its goods and business as that of the goods and business of the plaintiff.

25. Keeping in view the nature of the order, it is directed that the provision of order XXXIX Rule 3 CPC be complied with within two weeks.
26. **With these directions, the application under Order XXXIX Rules 1 & 2 CPC with respect to *ex parte* prayer is allowed and disposed off.**

#### APPLICATION UNDER ORDER XXVI RULE 9

27. As regards the application for appointment of local commissioner, it is submitted that in order to preserve the subject matter of the suit, Local Commissioner be appointed and directed to visit the premises of the defendant with a view to ascertain the nature and extent of operation being run by the defendant to find out the violation and infringement of rights in the said trade mark/ trade name. Therefore, in the totality of the facts and circumstances of the case, considering the submissions made at Bar and perusal of record clearly shows that appointment of Local Commissioner is indispensable in this case. **Consequently, Sh. Tanuj Kumar Karan, Advocate, Enrol. No. : D/5566/23 having Mobile No. : 8285384860 is appointed as Local Commissioner to visit the premises of the defendant *i.e.* M/s Wingspan**

**Pharmaceuticals P. Ltd situated at H/o Anshu Sharma, Kamtachak, Near Shemford Futuristic School, PO: Mittanchak, PS Gaurichak, Patna – 804453 in terms of the prayer made in the application under consideration, with the following directions:-**

27.1 The Local Commissioner shall make an inventory and take into custody all the impugned goods, packaging material and all other material bearing **impugned trade mark / trade name/ corporate name WINGSPAN/ WINGSPRAZ/ Wingspan Pharmaceuticals P. Ltd.** or any mark/ word mark in any form and manner, which is identical and /or phonetically, deceptively and confusingly similar to Plaintiff's registered trade mark/ trade name/ corporate name/ device/ label **'WINGS /Wingspan**



**Pharmaceuticals P. Ltd./** and/or any other equipment present at the premises of the said defendant used for manufacturing the infringing goods. **However, he shall return the seized/ infringed goods to the said defendant or its authorized representative(s) on superdari, upon their furnishing an undertaking that they will produce the goods so seized as and when called upon to do so by this Court.**

27.2 The Local Commissioner shall also seize and sign all books of accounts, ledgers, and cash registers, stock registers, invoices, day book etc. of the said

defendant and seal them after signing them and after making list of the same, hand over the same to the said defendant against receipt and undertaking of producing it in Court as and when so directed by the Court.

- 27.3 Local Commissioner shall visit other premises at the identification of the plaintiff where the alleged activities are being carried on by or on behalf of the said defendant or where the impugned goods and/or materials bearing the impugned trademark are expected to be found.
- 27.4 The Officer In-charge of the Police Station having the local jurisdiction over the place where the premises of the said defendant are situated, is directed to render all necessary assistance as well as security to the Local Commissioner in carrying out the above directions.
- 27.5 The Local Commissioner shall also take photographs of the premises of the said defendant as aforesaid, as well as of the infringed material found at the sites.
- 27.6 If on the date of visit the premises are found locked, Local Commissioner shall break open the same in the presence of police officials of the concerned Police Station after taking the photographs thereof and shall proceed to execute the commission after affixing the copy of summons and complete set of papers on the main gate of the premises. It is made

clear that the Local Commissioner shall not do so after sunset and before the sunrise and shall also maintain decency while breaking open the locks to recover the infringing material.

27.7 The fee of the Local Commissioner shall be payable by Plaintiff and is tentatively fixed at **Rs.1,50,000/- (Rupees One Lakh and Fifty Thousand only)**, apart from all other out-of-pocket expenses. The fee shall be paid in advance before the visit to the premises of the aforesaid defendant and that too without deducting TDS thereof.

27.8 The Local Commissioner shall visit the aforesaid premises of the said defendant within 15 days from the date of receipt of this order by him and shall file his report in triplicate before this Court within one week of the visit to the place thereafter.

28. Accordingly application u/o XXVI Rule 9 CPC read with Order XXXIX rule 7 CPC read with S.151 CPC is allowed and stands disposed off.

29. Dasti order be given to counsel for the plaintiff and to Local Commissioner for reference and compliance.

Announced in the open court  
On 7<sup>th</sup> day of February, 2025

(VIDYA PRAKASH)  
DISTRICT JUDGE (COMMERCIAL COURT)-02  
PATIALA HOUSE COURTS, NEW DELHI