

## Sporta Technologies Pvt. Ltd. & Anr Vs Virat Saxena

**Court:** Delhi High Court

**Date of Decision:** Nov. 25, 2022

**Acts Referred:** Code Of Civil Procedure, 1908 " Order 13A, Order 13A Rule 3  
Delhi High Court Intellectual Property Rights Division Rules, 2022 " Section 27

**Hon'ble Judges:** Navin Chawla, J

**Bench:** Single Bench

**Advocate:** Prithvi Singh, Rohan Krishna Sethi, Parkhi Rai

### Judgement

S. No.,Trade Mark,Number,Class(es),Date,,

1,"DREAM11

CHAMPIONS",3847330,16 and 41,"30th May, 2018",,

2,,3802186,"9, 16, 35, 41,

42", "11th April,

2018",,,

3,,3802185,"9, 16, 35, 41,

42", "11th April, 2018",,,

4,,3660715,"9, 16, 35, 41,

42", "21st October,

2017",,,

5,,3660717,"9, 16, 35, 41,

42", "21st October,

2017",,,

6,,3660851,"9, 16, 35, 41,

42", "22nd October,

2017",,,

S. No.,Trade Mark,,,Number,Class(es),Date

1,,,,1823011,38,"28th May, 2009

2,,,,1823015,41,"28th May, 2009

Power Systems Ltd. v. Kunwer Sachdev and Another, 2019 SCC OnLine Del 10764 has held as under:" ,,,,,,

“no”90. To reiterate, the intent behind incorporating the summary judgment procedure in the Commercial Court Act, 2015 is to ensure" ,,,,,,

disposal of commercial disputes in a time-bound manner. In fact, the applicability of Order XIII A, CPC to commercial disputes, demonstrates" ,,,,,,

that the trial is no longer the default procedure/norm. ,,,,,,

91. Rule 3 of Order XIII A, CPC, as applicable to commercial disputes, empowers the Court to grant a summary judgement against the" ,,,,,,

defendant where the Court considers that the defendant has no real prospects of successfully defending the claim and there is no other, ,,,,,,

compelling reason why the claim should not be disposed of before recording of oral evidence. The expression “real” directs the Court, ,,,,,,

to examine whether there is a “realistic” as opposed to “fanciful” prospects of success. This Court is of the view that the expression, ,,,,,,

“no genuine issue requiring a trial” in Ontario Rules of Civil Procedure and “no other compelling reason” for trial in, ,,,,,,

Commercial Courts Act can be read mutatis mutandis. Consequently, Order XIII A, CPC would be attracted if the Court, while hearing such" ,,,,,,

an application, can make the necessary finding of fact, apply the law to the facts and the same is a proportionate, more expeditious and less" ,,,,,,

expensive means of achieving a fair and just result. ,,,,,,

92. Accordingly, unlike ordinary suits, Courts need not hold trial in commercial suits, even if there are disputed questions of fact as held by" ,,,,,,

the Canadian Supreme Court in Robert Hryniak v. Fred Mauldin, 2014 SCC OnLine Can SC 53, in the event, the Court comes to the" ,,,,,,

conclusion that the defendant lacks a real prospect of successfully defending the claim. “” ,,,,,,

RELIEF ,,,,,,

27. In view of the above, the plaintiffs have been able to make out a case for grant of prayers made in paragraph nos. 33 (A) and (B) of the plaint." ,,,,,,

28. The Suit is decreed in favour of the plaintiffs and against the defendant in terms of prayers made in paragraph nos. 33 (A) and (B) of the plaint. ,,,,,,

The plaintiff is also held entitled to the costs of the Suit. ,,,,,,

29. Let a decree-sheet be drawn up accordingly. ,,,,,,