



\$~2

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

+ **TR.P.(C.) 116/2025 & CM APPL. 40255-56/2025**

MOHAK MANGAL

.....Petitioner

Through: Ms. Diya Kapur, Sr. Advocate with
Mr. Nakul Gandhi, Mr. Mujeeb, Ms.
Tanish Gupta, Mr. Aditya and Mr.
Raghav Kumar, Advocates

versus

ANI MEDIA PVT. LTD. & ANR.

.....Respondents

Through: Mr. Sidhant Kumar, Mr. Akshit Mago
and Ms. Anshika Saxena, Advocates

CORAM:

HON'BLE MS. JUSTICE MANMEET PRITAM SINGH ARORA

ORDER

% 25.07.2025

1. The present petition has been filed under Section 24(1)(b)(i) of the Code of Civil Procedure, 1908 ['CPC'] seeking transfer of CS(COMM) No. 447/2025 titled as **ANI Media Private Limited v. Mohak Mangal and Another**, pending before the Patiala House Courts, New Delhi to this Court for being heard along with CS(COMM) 573/2025 titled **ANI Media Private Limited v. Mohak Mangal and Others** pending adjudication before this Court.

2. The Petitioner herein is the defendant in both the suits i.e., CS(COMM) 573/2025 [hereinafter referred to as 'suit no. 1'], as well as CS(COMM) No. 447/2025 [hereinafter referred to as 'suit no. 2'].

So also, Respondent No. 1 herein is the plaintiff in both suit no. 1 as well as suit no. 2.



3. It is a matter of record that Respondent No. 1 on 28.05.2025, filed suit no. 1 i.e., CS(COMM) No. 573/2025 before this Court impugning Petitioner's video titled "Dear ANI" published on 25.05.2025 and averring trademark infringement, defamation and disparagement qua six (6) other videos published by the Petitioner herein.

4. It is also a matter of record that thereafter, on 02.06.2025, Respondent No. 1 filed suit no. 2 i.e., CS(COMM) No. 447/2025 before the Patiala House Courts, New Delhi. It is averred by the Petitioner that in this suit Respondent No. 1 has impugned a total of ten (10) videos published by the Petitioner, alleging copyright and trademark infringement. It is stated that out of these ten (10) impugned videos, six (6) are the same videos that are alleged to constitute trademark infringement, defamation and disparagement in suit no. 1, filed before this Court.

5. Ms. Diya Kapur, learned senior counsel appearing on behalf of the Petitioner states that the subsequently filed, suit no. 2 is similar in nature and documentary evidence in both the suits [suit no. 1 and suit no. 2] is common. She states that similar issues arise for consideration in both the suits. She states that infact, the reference to the identical six (6) videos in both the complaints show that the cause of action has been split up by Respondent No. 1 and the suit no. 2 has been filed without seeking leave of the Court in suit no. 1. She states that the pleadings of the Respondent No. 1 in both the complaints is overlapping and the defence of the Petitioner in both the suits would similarly overlap.

5.1. She states that the transfer of suit no. 2 before this Court will (i) serve the interest of the convenience of the parties, (ii) avoid multiplicity of proceedings and (iii) shall provide a comprehensive apprehension of all



disputes in one forum.

5.2. She states that the Petitioner is an individual and defending the suit in different forums will be onerous on him.

5.3. She relies upon the judgment of the Supreme Court in **Chitivalasa Jute Mills v. Jaypee Rewa Cement**¹, and **Raj Television Network Ltd. v. Ultra Media & Entertainment (P) Ltd.**²

6. In reply, Mr. Sidhant Kumar, learned counsel for Respondent No. 1 states that in suit no. 1 pending before this Court, in addition to the Petitioner herein there are other private defendant, who have been arrayed as parties therein. He states that in suit no. 2, Petitioner herein has been impleaded as defendant no. 1 and is the only contesting defendant therein.

6.1. He states that it is stand of Respondent No. 1 that there is no identity of causes of action. He however, fairly states that no prejudice will be caused to Respondent No. 1 if suit no. 2 is transferred to this Court.

6.2. He states that as per Section 15(5) of the Commercial Courts Act, 2015 ['Act of 2015'] the appropriate forum for entertaining this petition for transfer would be the Commercial Appellate Division Bench and this Court has no jurisdiction.

7. In response, learned senior counsel for the Petitioner states that the argument of Section 15(5) of the Act of 2015 is inapplicable in the facts of this case. She states that the said provision applies with respect to civil suit proceedings which were pending on the date when commercial courts were constituted as per the Act of 2015 and the pending suits were required to be transferred to the Commercial Court. In this regard, she refers to the

¹ (2004) 3 SCC 85 [Paragraph Nos. 9 and 12]

² 2024 SCC OnLine SC 4033 [Paragraph Nos. 8, 12 and 13]



judgment of the Coordinate Bench of this Court in **Namita Gupta v. Suraj Holdings Ltd.**³, where the scope of Section 15(5) of the Act of 2015 has been expounded by the Court at paragraph 32.

7.1. She states that in fact as per Rule 26 of the Delhi High Court Intellectual Property Rights Division Rules, 2022 [‘DHC IPD Rules’], under Section 24 of CPC, it is this Court, which has the requisite jurisdiction to transfer the suit no. 2 to this Court.

7.2. She further submits that in suit no.1, the only contesting defendant is the Petitioner herein as defendant no. 3 has been deleted and defendant no. 2 has already agreed to take down the impugned post and tweets, as recorded in order dated 29.05.2025. She states that the impugned videos were published by the Petitioner herein and defendant nos. 2 had only re-posted it and therefore, the cause of action and reliefs in suit no.1 are also against the Petitioner herein.

8. Having considered the facts of this case, keeping in view the commonalities of parties involved in both the suits, the facts pleaded in the plaint(s) as well as the cause of action stated therein, this Court is satisfied that overlapping of issues of fact and law will arise for consideration in both the suits.

9. Learned counsel for Respondent No. 1 has handed over the comparison chart of averments pleaded in both the suits. In this chart a perusal of the prayers sought by Respondent No. 1, shows that in suit no. 1 it has been alleged that the Petitioner herein has infringed the trademarks of the Respondent No. 1, while publishing its impugned videos and also publish defamatory and disparaging content against Respondent No. 1

³ 2024 SCC OnLine Del 143



herein; whereas, in suit no. 2 it has been alleged that the Petitioner herein has infringed the copyright content of Respondent No. 1 in its videos.

10. To substantiate the allegation of infringement of trademark and copyright, Respondent No. 1/plaintiff has admittedly referred to and relied upon at least six (6) videos, which are common to both the suits. Furthermore, the Petitioner herein is the only contesting defendant in both the suits. In these facts, the objection raised by Respondent No. 1 to the relief of transfer of suit no. 1 to this Court, as sought by the Petitioner herein is without any basis. In fact, trial of both the suits in the same forum would indeed be convenient to the parties including Respondent No. 1.

11. This Court also finds merit in the submission of the Petitioner that hearing of both the suits together before the same forum would be in the interest of administration of justice as it would save judicial time and avoid conflict of orders, as it involves common issues of fact and law.

12. The submission of the learned counsel for the Respondent No. 1 as regards the lack of jurisdiction of this Court (as a single judge) to entertain this petition under Section 24 of CPC and its submission that the petition be placed before Division Bench, is also without any merit. The Coordinate Bench of this Court in **Namita Gupta v. Suraj Holdings Ltd.** (supra) after examining the scheme of Act of 2015 including Section 15(5) of the said act, authoritatively held that the jurisdiction of High Court under Section 24 CPC to transfer suits pending before the District Court relating to a commercial dispute remains untrammelled by the Act of 2015. The relevant portion of the judgment reads as under: -

“32. Sub-Section (5) of Section 15 of the Act states that in the event that a Suit or application as has been mandated to be transferred by virtue of sub-section (1) or sub-section (2) of the Act, is not transferred in the manner



specified in sub-section (1), sub-section (2) or sub-section (3), the Commercial Appellate Division of the High Court may, on the application of any of the parties to the Suit, withdraw such Suit or application from the Court before which it is pending, and transfer the same for trial or disposal to the Commercial Division or the Commercial Court, as the case may be, having territorial jurisdiction over such Suit. Sub-Section (5) of Section 15 of the Act is, therefore, applicable and is attracted to cases, which should have been transferred to a Commercial Division or a Commercial Court as on the date of the Constitution of such Commercial Division or a Commercial Court, however, were not so transferred.

.....

36. A reading of the above provisions would show that the Act provides for the constitution of Commercial Courts and Commercial Divisions of the High Courts to adjudicate on commercial disputes of a specified value. However, the implementation of the said provisions and the overall administrative control over these Courts remains vested with the High Courts and, therefore, Commercial Courts would be a Court Subordinate to the High Courts. Section 24 of the CPC is not amended by the Act or by the Schedule appended thereto, therefore, there is no reason for it to be not applied to a Suit relating to a commercial dispute of a Specified Value.

...

74. At the same time, as held herein above, this Court, under Section 24 of the CPC, has the power to transfer the Suit to the court of competent jurisdiction. In the present case, as it is not disputed that the Suit relates to a Commercial Dispute of a Specified Value and is to be tried by the learned District Judge (Commercial), South-East District, Saket District Court, and as it is also not disputed that the petitioner herein, who is the defendant in the Suit, has not only filed her Written Statement but also a Counter-Claim, in my opinion, the interest of justice would demand that in exercise of power vested in this Court under Section 24 of the CPC, the Suit be transferred from the Court of the learned Additional District Judge to the Court of the District Judge (Commercial), South-East District, Saket District Court, to be tried from the stage it is at present.”

(Emphasis supplied)

13. Furthermore, at paragraph 32 of the same judgment, the Coordinate Bench of this Court has deliberated on the scope of Section 15(5) of the Act of 2015 and held that the said provision is applicable only to cases which, were pending and have to be transferred to the Commercial Court or Commercial Division, as on the date of constitution of the Commercial Court or Commercial Division. In this judgment, the Coordinate Bench



concluded that Section 15(5) of Act of the 2015 was inapplicable to suits instituted after commercial courts have been constituted. As noted above, it was further held that Section 24 of CPC has not been amended by the Act of 2015 and therefore, the power of the High Court to transfer suits pertaining to commercial disputes is unaffected.

14. The DHC IPD Rules have been made by this Court in exercise of Section 7 of the Delhi High Court Act, 1966, Section 129 of CPC and the powers conferred under various intellectual property statutes as amended by Tribunal Reforms Act, 2021. In these Rules, as per Rule 26 the power to transfer a commercial suit pending before a Commercial Court to IPD, has been recognized as vested in the Court as per Section 24 of CPC. The said Rule 26 of DHC IPD Rules reads as under:

“26. Consolidation of IPR subject matters or cases or proceedings or disputes

Where there are multiple proceedings relating to the same or related IPR subject matter, irrespective of whether the said proceedings are between the same parties or not, the Court shall have the power and the discretion, wherever appropriate, to direct consolidation of proceedings, hearings, and also to direct consolidated recording of evidence/common trial and consolidated adjudication. If the Court is of the opinion that any matter pending before a Commercial Court is to be consolidated with a matter pending before the IPD, it may exercise powers of transfer under Section 24, Code of Civil Procedure, 1908 for transfer and consolidation of such matter to itself.”

This power of the (High) Court under Section 24 of the CPC to transfer Commercial Suits has already been adjudicated upon by the Coordinate Bench in **Namita Gupta v. Suraj Holdings Ltd.** (supra) and this power as per the roster is currently exercised by the Single Judge of this Court. The DHC IPD Rules were framed in 2022 and the Rule 26 therein makes no reference to Section 15(5) of the Act of 2015 for the power of



transfer of commercial suits to IPD and only refer to Section 24 of CPC; and rightly so as Section 15(5) of the Act of 2015 is inapplicable to commercial suits instituted after commercial courts have been constituted.

15. Therefore, the reliance place by Respondent No. 1 on Section 15(5) of Act of 2015 for seeking transfer of this petition to be placed before the Division Bench of this Court fails to persuade this Court; and the objection raised by Respondent No. 1 to the jurisdiction of this Court is not substantiated.

16. In view of the findings recorded above, the suit no. 2 i.e., CS(COMM) No. 447/2025 titled as **ANI Media Private Limited v. Mohak Mangal and Another**, pending before the Patiala House Courts, New Delhi is directed to be transferred to this Court for being tried along with suit no. 1 i.e., CS(COMM) 573/2025 titled **ANI Media Private Limited v. Mohak Mangal and Others** pending before this Court on **08.09.2025**, on which dated the said suit is listed.

17. With the aforesaid directions, this petition stands along with pending applications (if any), stands disposed of.

MANMEET PRITAM SINGH ARORA, J

JULY 25, 2025/hp/MG