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

\# **CNR No. DLHC010455062026**

\+ **CM(M)-IPD 51/2026 and CM 248/2026**

Date of decision: **23.09.2026**

IN THE MATTER OF:-

P.J. SIKAND (ALSO KNOWN AS PARAMJEET SINGH)

.....Petitioner

(*Through: Mr. Shikhil Suri, Sr. Advocate with Ms. Madhu,Ms. Jyoti, Ms. Sakshi, Mr. Abhikant, Mr. Siddhant and Mr. Vinay, Advocates.)*

versus

GURUJI KA ASHRAM TRUST AND ORS. .....Respondents

(Through: Mr.Amit Sibbal, Sr. Advocate with Ms.Akshita, Mr. Vidhur Mohan, Mr. Saksham, Ms. Deepika, Mr.Nitin, Mr.Naman, Mr. Aditya, Ms. Radhika, Advocates.)

CORAM:
HON'BLE MR. JUSTICE PURUSHAINDRA KUMAR KAURAV

J U D G E M E N T

PURUSHAINDRA KUMAR KAURAV, J. (ORAL)

CM 251/2026 (Condonation of delay)

1. For the reasons stated in the application, the same stands allowed. The delay in re-filing the petition stands condoned.

2. The application stands disposed of.

CM 249-250/2026 (for exemption)

1. Exemptions allowed, subject to all just exceptions.

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2. Compliance be made within a period of 1 week from today.

3. The applications stand disposed of.

CM(M)-IPD 51/2026 and CM 248/2026

1. Heard, Mr.Shikhil Suri and Mr. Amit Sibbal, learned senior counsel appearing on behalf of the petitioner and respondents respectively.

2. The petitioner, *vide* the instant petition preferred under Article 227 of the Constitution of India, seeks to challenge the order dated 04.06.2026 ['**Impugned Order**'] passed by the District Judge (Commercial Court-05), South-East District, Saket Courts, New Delhi in CS (COMM) No. 1096/2025 titled ***'Guruji Ka Ashram Trust v. P J Sikand and Ors.'***, *qua* the dismissal of his application under Order VII Rule 11 read with Section 151 of the Code of Civil Procedure, 1908 ['**CPC**'].

3. It be noted that *vide* the said order, three applications were decided by the concerned Court. One is the application under Order XXXIX Rules 1 and 2 of CPC filed by the respondent/plaintiff, another is the application under Order XXXIX Rule 4 of CPC filed by the petitioner/defendant no. 1, and the third one is the application under Order VII Rule 11 of CPC filed by the petitioner/defendant no. 1. Against the directions allowing the application under Order XXXIX Rules 1 and 2 of CPC, the petitioner has already availed the remedy of filing FAO (COMM) 168/2026, which is *sub judice* before the Division Bench of this Court. The present adjudication, therefore, confines itself only to the dismissal of the application under Order VII Rule 11 of CPC, and the prayer clause of the petition is also, in terms, restricted to that extent.

4. Respondent No. 1/plaintiff, claims to be a registered public charitable trust established by Late Shri Nirmal Singh Ji Maharaj, popularly known as

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"Guruji", instituted the aforesaid suit on 26.12.2025 seeking, *inter alia*, a decree of permanent injunction, damages and other ancillary reliefs. The suit is founded on allegations of ***(a)*** infringement of copyright in certain photographs/swaroops of Guruji, stated to have been assigned to the plaintiff by Shri Raghu Rai *vide* a Copyright assignment deed dated 13.02.2024; ***(b)*** passing off and misrepresentation by the use of the name "Guruji" and the operation of a structure styled as "Guruji Ka Darbar"; ***(c)*** infringement of copyright in the architectural work of the plaintiff's "Bade Mandir", which is alleged to have been imitated in the structure raised by the petitioner at Village 12Z, Sri Ganganagar, Rajasthan; and (***d)*** solicitation of donations in the name of Guruji.

5. By the impugned order, the concerned Court dealt with the said application and dismissed the same. It is also relevant to note that, on the same date, the concerned Court framed issues in the suit which, *inter alia*, encompass the questions of locus standi (Issue No. 2), disclosure of cause of action (Issue No. 3), validity of the assignment deed (Issue Nos. 7 and 8), territorial jurisdiction (Issue No. 9), res judicata (Issue No. 10), the commercial nature of the dispute (Issue No. 11), valuation (Issue No. 12) and limitation (Issue No. 14), and listed the suit for plaintiff's evidence.

6. Mr. Suri, learned senior counsel for the petitioner, has taken this Court through the various aspects of the matter and has reiterated all his submissions which were made before the concerned Court. He contends that the concerned Court has failed to apply the correct test under Order VII Rule 11 of CPC and that the assignment deed dated 13.02.2024 post-dates the complaint lodged on behalf of the plaintiff in the year 2023, which culminated in FIR No. 0572/2023, and therefore could not have conferred

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any right to sue in respect of the acts complained of.

7. He further submits that the defendant suppressed the settlement recorded before the Lok Adalat, Ganganagar and that no part of the cause of action arose within the territorial jurisdiction of the Court at Saket, all the alleged acts having taken place at Sri Ganganagar, Rajasthan. Additionally, the learned senior counsel also submits that the dispute, being religious in character, is not a commercial dispute.

8. Submissions made on behalf of the petitioner are vehemently opposed by Mr. Sibbal, learned senior counsel for the respondents.

9. The Court is conscious of the limitations enshrined in the exercise of power under Article 227 of the Constitution of India. The supervisory jurisdiction is not appellate in nature and is not to be exercised to correct every error, much less to substitute a plausible view taken by the Court below. The said position is settled by the Supreme Court in the case of ***Garment Craft v. Prakash Chand Goel,***[1] wherein it has been held as under:-

> *"15. Having heard the counsel for the parties, we are clearly of the view that the impugned order is contrary to law and cannot be sustained for several reasons, but primarily for deviation from the limited jurisdiction exercised by the High Court under Article 227 of the Constitution of India.* ***The High Court exercising supervisory jurisdiction does not act as a court of first appeal to reappreciate, reweigh the evidence or facts upon which the determination under challenge is based. Supervisory jurisdiction is not to correct every error of fact or even a legal flaw when the final finding is justified or can be supported.*** *The High Court is not to substitute its own decision on facts and conclusion, for that of the inferior court or tribunal. The jurisdiction exercised is in the nature of correctional jurisdiction to set right grave dereliction of duty or flagrant abuse, violation of fundamental principles of law or justice. The power under Article 227 is exercised sparingly in appropriate cases, like when there is no evidence at all to justify, or the finding is so perverse that no reasonable person can possibly come to such a conclusion that the court*

[1](2022) 4 SCC 181.

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or tribunal has come to. It is axiomatic that such discretionary relief must be exercised to ensure there is no miscarriage of justice."

[Emphasis Supplied]

10. Recently, in ***Nandi Infrastructure Corridor Enterprises Ltd. & Anr. v. B. Gurappa Naidu & Ors.***,[2] the Supreme Court, after considering its earlier decisions in ***Shalini Shyam Shetty v. Rajendra Shankar Patil,***[3] ***Estralla Rubber v. Dass Estate (P) Ltd.***[4] and ***Garment Craft*** (supra), summarised the principles as under:-

> *"35. In short, the principles laid down in the above matters is as follows:*
>
> *a) The power of superintendence under Article 227 is not to be exercised unless there has been an (a) unwarranted assumption of jurisdiction, not vested in Court or tribunal, or (b) gross abuse of jurisdiction or (c) an unjustifiable refusal to exercise jurisdiction vested in Courts or tribunals.*
>
> *b) It is also well settled that the High Court while acting under this Article cannot exercise its power as an appellate court or substitute its own judgment in place of that of the subordinate court to correct an error, which is not apparent on the face of the record.*
>
> *c) The High Court exercising supervisory jurisdiction does not act as a court of first appeal to reappreciate, reweigh the evidence or facts upon which the determination under challenge is based. Supervisory jurisdiction is not to correct every error of fact or even a legal flaw when the final finding is justified or can be supported. The High Court is not to substitute its own decision on facts and conclusion, for that of the inferior court or tribunal."*

11. The aforesaid limitations assume greater significance where the order under challenge is an interlocutory order passed by a Commercial Court at the level of the District Judge, in respect of which Section 8 of the Commercial Courts Act, 2015 expressly bars a revision. The Division Bench of this Court in ***Black Diamond Trackparts Pvt. Ltd. & Ors. v. Black***

[2]2026 SCC OnLine SC 745.
[3](2010) 8 SCC 329.
[4](2001) 8 SCC 97.

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Diamond Motors Pvt. Ltd.,[5] which also arose out of the dismissal of an application under Order VII Rule 11 of CPC in a suit for passing off, while holding a petition under Article 227 of the Constitution of India to be maintainable, cautioned as under:-

> *"... Allowing petitions under Article 227 to be preferred even against orders against which a revision application under Section 115 CPC would have been maintainable but for the bar of Section 8 of the Commercial Courts Act, would nullify the legislative mandate of the Commercial Courts Act. ... Thus, though we are of the view that gates of Article 227 ought not to be opened with respect to orders in commercial suits at the level of the District Judge against which a revision application under CPC was maintainable but which remedy has been taken away by the Commercial Courts Act, but abiding by the judgments aforesaid, hold that it cannot be said to be the law that jurisdiction under Article 227 is completely barred. However the said jurisdiction is to be exercised very sparingly and more sparingly with respect to orders in such suits which under the CPC were revisable and which remedy has been taken away by a subsequent legislation i.e. the Commercial Courts Act, and ensuring that such exercise of jurisdiction by the High Court does not negate the legislative intent and purpose behind the Commercial Courts Act and does not come in the way of expeditious disposal of commercial suits."*

12. Bearing in mind the aforesaid aspect, if the findings rendered by the Court below are considered in the right perspective, it would indicate that, at this stage, no case for interference in exercise of the jurisdiction under Article 227 of the Constitution of India is made out. For the sake of clarity, the findings recorded by the concerned Court on the application under Order VII Rule 11 of CPC are extracted as under:-

> *"20. This Court is unable to accept the said contention at this stage. It is settled law that while considering an application under Order VII Rule 11 CPC, the averments made in the plaint are required to be presumed to be correct. The Court is not required to adjudicate upon disputed questions of fact or examine the evidentiary value or legal validity of documents relied upon by the parties.*

[5]2021 SCC OnLine Del 3946 (DB).

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21. In the present case, the plaintiff has filed the suit alleging infringement of copyright in certain photographs and has specifically pleaded that it is the assignee and owner of the copyright therein. In support of such plea, the plaintiff has placed on record the Copyright Assignment Deed executed by Shri Raghu Rai. Whether the said assignment is valid, whether it effectively transfers copyright in favour of the plaintiff, whether Shri Raghu Rai possessed assignable rights in the said works, or whether the deed ultimately confers enforceable rights upon the plaintiff, are all matters which pertain to the merits of the controversy and would require adjudication upon evidence. Such issues are beyond the scope of an enquiry under Order VII Rule 11 CPC.

22. Equally, the contention that the Assignment Deed was executed as an afterthought after institution of criminal proceedings cannot be examined at this stage. The Court is presently concerned only with the averments contained in the plaint and the documents relied upon by the plaintiff, and whether the same, if taken to be correct, disclose a cause of action. The plaintiff having pleaded ownership of copyright and having placed on record an assignment deed in support thereof, it cannot be said that the plaint discloses no cause of action.

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28. The said contention is liable to be rejected for more than one reason. Firstly, it is well settled that the existence of criminal proceedings does not by itself bar the institution of a civil action arising from the same set of facts. Secondly, for the purposes of Order VII Rule 11 CPC, the Court is required to examine only the averments contained in the plaint and the documents relied upon by the plaintiff. The alleged Lok Adalat settlement and other documents relied upon by the defendant do not form part of the plaint and cannot be looked into at this stage. Consequently, no case for rejection of the plaint on the ground of res judicata is made out.

29. Defendant No. 1 has also raised the plea of limitation. However, from a reading of the plaint as a whole, the cause of action pleaded by the plaintiff is a continuing one. The plaintiff has specifically alleged that the impugned structure at Sri Ganganagar continues to remain operational and that Defendant No. 1 continues to use the photographs, images and swaroops in respect of which copyright is claimed by the plaintiff. In view of the nature of the allegations and the provisions of Section 22 of the Limitation Act, the plaint cannot, at this stage, be said to be ex facie barred by limitation.

30. As regards the contention that the present dispute does not constitute a "commercial dispute", a perusal of the plaint shows that the suit has been instituted, inter alia, for protection and enforcement of intellectual property rights, including copyright and passing off. Such disputes fall within the ambit of Section 2(1)(c)(xvii) of the Commercial Courts Act,

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2015. Consequently, the contention that the present suit is not a commercial dispute is without merit.

31. The remaining objections concerning territorial jurisdiction, valuation of the suit, and allied issues either involve mixed questions of law and fact or pertain to the merits of the controversy. None of these objections, on a meaningful reading of the plaint, demonstrate that the plaint fails to disclose a cause of action or that the suit is barred by any law within the meaning of Order VII Rule 11 CPC.

32. Having considered the plaint in its entirety along with the documents filed by the plaintiff, this Court is of the considered view that the plaint discloses a cause of action and does not appear, on the face of it, to be barred by any law. The objections raised by Defendant No. 1 require adjudication on merits and cannot form the basis for rejection of the plaint at the threshold. Accordingly, the application filed by Defendant No. 1 under Order VII Rule 11 CPC is dismissed. Needless to say that all the objections raised by defendant no. 1 shall be adjudicated upon by framing issues and giving opportunities to both the parties to lead evidence in support of their case."

13. It be noted that at the stage of deciding an application under Order VII Rule 11 of CPC, the Court has to generally bear in mind the pleadings made in the plaint and the documents filed therewith. The defence of the defendant(s) may not be adjudicated. The Supreme Court in ***Dahiben v. Arvindbhai Kalyanji Bhanusali (Gajra) (Dead) through LRs. & Ors.,***[6] has held as under:-

"23.5. The power conferred on the court to terminate a civil action is, however, a drastic one, and the conditions enumerated in Order VII Rule 11 are required to be strictly adhered to.

23.6. Under Order VII Rule 11, a duty is cast on the Court to determine whether the plaint discloses a cause of action by scrutinizing the averments in the plaint read in conjunction with the documents relied upon, or whether the suit is barred by any law.

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23.8. Having regard to Order VII Rule 14 Code of Civil Procedure, the documents filed alongwith the plaint, are required to be taken into consideration for deciding the application Under Order VII Rule

[6](2020) 7 SCC 366.

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> *11(a). When a document referred to in the plaint, forms the basis of the plaint, it should be treated as a part of the plaint.*
>
> *23.9. In exercise of power under this provision, the Court would determine if the assertions made in the plaint are contrary to statutory law, or judicial dicta, for deciding whether a case for rejecting the plaint at the threshold is made out.*
>
> *xxx*
>
> *23.11. The test for exercising the power under Order VII Rule 11 is that if the averments made in the plaint are taken in entirety, in conjunction with the documents relied upon, would the same result in a decree being passed. This test was laid down in Liverpool & London S.P. & I Assn. Ltd. v. M.V. Sea Success I which reads as:*
>
> *"139. Whether a plaint discloses a cause of action or not is essentially a question of fact. But whether it does or does not must be found out from reading the plaint itself. For the said purpose, the averments made in the plaint in their entirety must be held to be correct. The test is as to whether if the averments made in the plaint are taken to be correct in their entirety, a decree would be passed."*
>
> *23.12. In Hardesh Ores (P.) Ltd. v. Hede & Co., the Court further held that it is not permissible to cull out a sentence or a passage, and to read it in isolation. It is the substance, and not merely the form, which has to be looked into. The plaint has to be construed as it stands, without addition or subtraction of words. If the allegations in the plaint prima facie show a cause of action, the court cannot embark upon an enquiry whether the allegations are true in fact. D. Ramachandran v. R.V. Janakiraman."*

14. Co-ordinate Bench of this Court, while dealing with a similar challenge in an intellectual property suit in ***Puja Aggarwal v. Pravesh Narula,***[7] has held as under:-

> *"22. ... It would be the defence of the petitioner/defendant that she has been in prior use, that the copying of a theme would not amount to infringement and that the artistic work itself has not been published. These pleas would be an answer to the suit but not indicative of an absence of cause of action. There can be no confusion between the existence of a cause of action and the absence of merit in the suit. Whether the respondent/plaintiff would ultimately succeed or not, cannot dictate the existence of a cause of action.*

[7]2022 SCC OnLine Del 852.

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> *23. In fact from the averments made in the application under Order VII Rule 11(a) CPC filed by the petitioner/defendant, (placed on the record as Annexure P-3), it is more than apparent that she has pleaded her defence to seek a dismissal of the suit, rather than a rejection of the same. When the pleas raised by the petitioner/defendant to repel the claims of the respondent/plaintiff cannot be considered at this stage, the learned Trial Court was right in observing that the questions raised by the petitioner/defendant being one of facts, would require trial. An appropriate issue regarding the existence and nonexistence of the cause of action, amongst other issues can also be framed to be disposed of together, after evidence is recorded."*

15. Tested on the aforesaid touchstone, the Court finds that most of the grounds urged by the petitioner, such as the alleged invalidity and tampering of the assignment deed, the photographs having fallen in the public domain, the generic nature of the expression "Guruji", the architectural features being universal religious symbols, and the absence of any commercial activity at the petitioner's premises, are in the nature of defences to the suit. They may, if established, furnish an answer to the claim of the plaintiff, but they do not demonstrate that no cause of action is disclosed.

16. The complaint which culminated in FIR No. 0572/2023 seems to have been lodged in the year 2023 and the purported assignment deed is dated 13.02.2024. It is on that basis that the submission is made that, according to the plaintiff itself, the cause of action arose in the year 2022, whereas the assignment deed is of the year 2024, and therefore, there could be no cause for the plaintiff to institute a civil suit seeking injunction on the strength of the said deed.

17. The aforesaid aspect cannot be looked into at this stage for the simple reason that the civil suit was filed in December 2025 and, prior thereto, in the year 2024, the purported assignment deed had been executed in favour of the plaintiff. The relief of injunction sought in the suit is directed against the

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alleged continuing use of the photographs/swaroops, which, as noted in paragraph no. 29 of the impugned order, is pleaded to be continuing. Whether the deed is valid and effective, and its bearing on the reliefs claimed, are matters which the concerned Court has, in any case, made the subject of Issue Nos. 7 and 8.

18. So far as the aspect with respect to the structure of the temple, its drawing, design and ownership is concerned, reference can be made to the pleadings made in paragraph nos. 11 and 12 of the plaint. The said paragraphs are extracted as under:-

> *11. That knowing the importance that Bade Mandir holds for followers of Guruji and with the intention of deceiving his followers the Defendant No. 1 has gone to the extent of copying the outlay/design of the Bade Mandir, albeit on a smaller scale, including the distinctive Shivalinga shaped structure which is the centerpiece of the Bade Mandir.*
>
> *12. Furthermore, like the Darbar in the Bade Mandir is adorned with life size photographs/swaroops of Guruji, the Defendant No. 1 has also displayed similar life size photographs/swaroops of Guruji at the said structure at Village 12Z, Sri Ganganagar calling it "Gmuji ka Darbar/Guruji Maharaj Ka Darbar". This said unauthorized use of the swaroops amounts to copyright infringement. and illegal association with Guruji, the Trust and the Bade Mandir. A picture of the Bade Mandir and the said structure in Sriganganagar is reproduced hereinbelow for easy reference:*

19. If the aforesaid pleadings are construed in the context of the findings rendered in paragraph no. 26 of the impugned order, the Court finds that the argued point cannot be a reason to reject the plaint. The said paragraph reads as under:-

> *"26. The objection that no cause of action is disclosed in respect of the alleged architectural work and that the architectural features relied upon by the plaintiff are common religious symbols is also a defence touching upon the merits of the dispute. The plaint contains specific averments regarding the alleged imitation and reproduction of the plaintiff's structure and associated artistic works. Whether such allegations are*

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ultimately sustainable is a matter for trial. At this stage, it cannot be said that no cause of action is disclosed."

20. Similarly, the plea of res judicata rests upon the proceedings arising out of FIR No. 0572/2023 and the settlement recorded before the Lok Adalat, Ganganagar, which are the documents of the petitioner/defendant and not of the plaintiff. Likewise, the plea of want of locus standi, premised on the alleged invalidity of the amendment deed dated 07.06.2007 and of the consequent appointments and authorisation, calls for an examination of the trust deed, its amendments and the constitution of the Board of Trustees, which cannot be undertaken on a mere reading of the plaint. The concerned Court, therefore, cannot be said to have committed any jurisdictional error in declining to reject the plaint on these grounds.

21. With respect to limitation, territorial jurisdiction and the other aspects, the Court below has rightly noted that all those aspects will have to be considered during the pendency of the trial. The same have, in fact, been made the subject of specific issues. At this stage, the Court finds that, under Order VII Rule 11 of CPC, the plaint cannot be rejected, and the view taken by the concerned Court is a plausible one which does not suffer from any patent illegality, perversity or lack of jurisdiction warranting interference under Article 227 of the Constitution of India. However, all rights and contentions of the parties are left open to be adjudicated during the pendency of the trial.

22. It is further clarified that the grounds urged in the petition with respect to the report of the Local Commissioner, the chamber proceedings dated 24.03.2026 and the *ex-parte* ad-interim injunction dated 26.12.2025 relate to the adjudication of the applications under Order XXXIX of CPC, which is

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the subject matter of FAO (COMM) 168/2026, and have, therefore, not been examined in the present petition. Nothing stated herein shall be construed as an expression of opinion on the merits of the suit or of the said appeal, and the observations made hereinabove are only for the purpose of deciding the present petition.

23. With these observations, the instant petition stands disposed of. The pending applications also stand disposed of.

(PURUSHAINDRA KUMAR KAURAV)
JUDGE

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