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

+ **CS (COMM) 172/2021 & I.A. 5304/2021**

SSG FURNISHING LLP

..... Plaintiff

Through: Mr. Ajay Amitabh Suman,
Advocates. (M:9990389539)

versus

NL BLINDS PVT LTD AND ORS.

..... Defendant

Through: Ms. Nancy Roy, Advocate.
(M:9711288594)

CORAM:

JUSTICE PRATHIBA M. SINGH

ORDER

% **14.07.2022**

I.A. 5304/2021 in CS(COMM)-172/2021

1. Ms. Nancy Roy, Id. Counsel for the Defendant submits that the Division Bench has vacated the injunction order dated 02nd December, 2020, vide its order dated 22nd March, 2021 in **FAO (COMM) 77/2021** titled **NL Blinds Pvt. Ltd. & Ors. v. SSG Furnishing LLP**. She submits that the seized goods were directed to be released to the Defendants, however, one of the consignments of goods is still held up in the Customs and ‘no objection’ has not been given by the Plaintiff.

2. The order dated 22nd March, 2021 passed by the Division Bench reads as under:

“Present appeal has been filed challenging the order dated 2nd December, 2020 passed by learned ADJ, South District, Saket Court in CS(COMM) 363/2020 whereby an ex-parte ad interim injunction was passed restraining the appellants from using the impugned products bearing the designs which are



stated to be deceptively similar to the respondent's designs covered by design registrations in relation to curtains and blinds in Class 06-10 and in relation to textile fabric and related/allied products. Appellants also pray that the operation of the impugned order be suspended during the pendency of the present appeal.

Issue notice.

Mr. S.K. Bansal, Advocate accepts notice on behalf of the respondent. After some arguments, it is agreed between the counsel for the parties that the suit in question be transferred to the original jurisdiction of this Court in accordance with Section 22(4) of the Design Act. It is further agreed between the parties that the ad interim injunction order dated 02nd December, 2020 shall remain suspended pending final adjudication of the injunction applications filed by the respondent in the suit.

Accordingly, with consent of the parties, the suit being CS(COMM) 363/2020 is transferred to the original jurisdiction of this Court in accordance with Section 22(4) of Design Act and the impugned interim order dated 2nd December, 2020 is suspended pending final decision in the injunction applications filed by the respondent. The goods of the appellants that had been seized under the impugned order dated 2nd December, 2020 shall be released to the appellants forthwith. However, the appellants are directed to maintain accounts with regard to seized goods.

List before the Commercial Court on the original jurisdiction of this Court on 13th April, 2021.

With the aforesaid directions, the appeal stands disposed of."

3. The Ld. Division Bench, as observed above, has suspended the interim injunction. In view of the above order of the Division Bench, the



Department of Customs is directed to release the consignment of the Defendants, if any, within one week.

4. The Registry is directed to scan the order sheets and suit record which was filed before the District Court, and tag the same along with the present record.

5. Since the initial filing of the suit was before the District Court, the originals of the pleadings and other affidavits etc., shall be accepted in legal size.

6. List on 11th October, 2022.

PRATHIBA M. SINGH, J.

JULY 14, 2022

dj/ad