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

+ **CS(COMM) 415/2025**

HERMES INTERNATIONAL & ANR.Plaintiff

Through: **Mr. Pravin Anand, Adv.**

versus

XXX & ANR.Defendants

Through: **Mr. Harshit Kwanduja and Ms. Sujal Gupta, Advs. for D-1 and 2 alongwith defendant no.1 in person**

CORAM:

HON'BLE MR. JUSTICE SAURABH BANERJEE

ORDER

% 29.05.2025

I.A. 13958/2025-By plaintiff seeking modification of order dt. 06.05.25

1. By virtue of the present application, the plaintiff seeks clarification/ amendments of the order dated 06.05.2025 so as to include the products of the plaintiff which are being passed off by the defendants.
2. Learned counsel for the defendants alongwith the defendant no.1 present in person has handed over a copy of the additional affidavit, which is taken on record. In the said affidavit, the defendant no.1 has categorically stated as under:

“3. Without adverting to the contents of the application filed by the Plaintiffs under Section 151 read with Section 152 of the Code of Civil Procedure, 1908, and solely in furtherance of the bona fide intent of Defendant No. 1 to assist in the expeditious and amicable resolution of the present proceedings, it is respectfully submitted that Defendant No. 1 undertakes not to use, offer for sale, sell, or otherwise deal in any product which, in the considered view of this Hon'ble Court, may be regarded as passing off of the Plaintiffs' products as impugned



in the plaint, and/or infringement of their registered trademarks.”

3. Additionally, the averments made in para 9 of the present application, which relates to some clerical inadvertence in para 3 of the order dated 06.05.2025 may be modified as under:

*“3. By virtue of the present suit, the plaintiff no.1, **Hermes International**, is a corporation incorporated under the laws of France having its headquarters at 24 Rue Du Faubourg Saint **Honoré**, 75008 Paris, France and plaintiff no.2, **Hermes** India Retail & Distributors Pvt. Ltd., is incorporated under the Companies Act, 1956 on May 08,2007 with its office at Clo IFCCI, DLIA Complex, RK Khanna Stadium, Africa Avenue, New Delhi-110 029, have instituted the present suit against the defendants seeking the following reliefs.....”*
xxx xxx xxx

4. Needless to say, the said order dated 06.05.2025 will be read conjointly with the present order.

5. As such, learned counsel for the plaintiff seeks to withdraw the present application.

6. The present application is dismissed as withdrawn.

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7. At this stage, learned counsel for the parties seek appointment of an independent mediator for culminating the proceedings at the earliest.

8. Accordingly, Mr. Karan Bajaj, Advocate [+91-8882340197], present in Court, who has consented to be appointed as a Mediator, is appointed so. The parties and/ or their authorized representatives or counsel shall appear before the mediator on 04.07.2025.

9. This Court appreciates the conduct of Mr. Karan Bajaj, Advocate for agreeing to act as the Mediator.

10. In view of the earlier order dated 06.05.2025, this Court is deferring from issuing notice.



11. Renotify on the date already fixed i.e. 14.07.2025.

MAY 29, 2025/Ab

SAURABH BANERJEE, J