



\$~18

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

+ CS(COMM) 437/2024 & I.A. Nos. 30380/2024, 35528/2024,
40603/2024, 43511/2024, 43512/2024, 43531/2024 & 48185/2024
KARAN RAJESH DATTANI SOLE PROPRIETOR OF
DNYANADAPlaintiff

Through: Ms. Rajeshwari H, Ms. Raj Latha
Kotni, Mr. Rohit Dutta, Ms. Swagita
Pandey and Ms. Ananya Singh, Advs.
E-mail: rajlatha@lexport.in
M: 9899978082

versus

FASHNEAR TECHNOLOGIES PVT LTD & ORS.Defendants

Through: Mr. Faisal Sherwani, Mr. Shikher
Deep Aggarwal, Mr. Aditya Vikram
and MS. Sanjukta Kaushik, Advs. for
D-1.
M: 9599956259S
Email: skaushik@luthra.com

Mr. Siddharth Jain with Mr. Shubham
Saigal and Mr. Sreyas Manoj,
Advocates for defendant no. 2.

(M): 8010270087

Email: siddarthjain@jlaw.in

Mr. Sarim Naved with Mr. Shahid
Nadeem, Mr. Saurabh Sagar and Mr.
MD Zeeshan Ahmad, Advocates for
defendant nos. 3, 6, 7, 8, 10, 11 and
12.

(M): 9999821341

Email: office@sarimnaved.com



CORAM:
HON'BLE MS. JUSTICE MINI PUSHKARNA

ORDER
04.02.2025

%

1. The present suit has been filed seeking permanent injunction to restrain the infringement of 'Hathi Saree Design' bearing registered design no. 367062-001.
2. On the last date of hearing, i.e., 28th January, 2025, it had been recorded that the plaintiff did not dispute the design and the trademark registration of the defendants. The only issue which was pressed by the plaintiff was with respect to the photographs of the sarees that were being used by the defendants on their website, including, on the website of defendant no.1.
3. Today, learned counsel appearing for defendant nos. 3, 6, 7, 8, 10, 11 and 12 has handed over photographs of the sarees marketed by his clients, which, as per his instructions, shall be used by the said defendants on their website, as well as other e-commerce websites, for sale of their goods.
4. Likewise, learned counsel appearing for defendant no. 2 submits that he has instructions to state that defendant no. 2 shall also change the photographs of the sarees, in case the matter gets settled, in that regard.
5. He further submits that he shall also be filing the vakalatnama on behalf of defendant nos. 4, 5, 13, 14 and 15 and has instructions to state on their behalf that the said defendants are also ready to change the photographs of their sarees on the e-commerce websites, as well as their wesbsite.
6. At this stage, learned counsel appearing for the plaintiff submits that



though, she is satisfied with the statements made by learned counsels appearing for the said defendants, however, in view of the present suit being pending for a long time, and on account of the fact that the plaintiff had to approach this Court, she submits that some nominal costs be granted in favour of the plaintiff.

7. However, learned counsels appearing for the said defendants object to the same.

8. Considering the nature of the dispute before this Court, this Court is of the view that the matter can be referred for mediation.

9. Learned counsel appearing for the parties submit that they have no objection if the matter is referred for mediation.

10. Accordingly, with the consent of the parties, the matter is referred to Delhi High Court Mediation and Conciliation Center, to be listed before the learned Mediator on, 10th February, 2025.

11. List before the Court on 28th February, 2025.

12. Copy of this order shall be sent to Delhi High Court Mediation and Conciliation Center, forthwith.

MINI PUSHKARNA, J

FEBRUARY 4, 2025/kr