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

+ **CS(COMM) 437/2024 & I.A. 30380/2024, I.A. 35528/2024**

**KARAN RAJESH DATTANI SOLE PROPRIETOR OF  
DNYANADA**

**.....Plaintiff**

Through: Ms. Rajeshwari H., Ms. Raj Latha  
Kotni, Mr. Rohan Garg, Mr. S.K.  
Maurya, Ms. Swagita Pandey, Ms.  
Ananya Singh, and Mr. Shantijyoti,  
Advocates  
Mob: 9899978082

**versus**

**FASHNEAR TECHNOLOGIES PVT LTD & ORS. ....Defendants**

Through: Mr. Faisal Sherwani, Mr. Shikher  
Deep Aggarwal and Ms. Kaushik,  
Advocates  
Mob: 9599956259  
Mr. Sarim Naved, Advocate, Mr.  
Saurabh Sagar, Mr. Shahid Nadeem  
and Mr. Harsh Kumar, Advocates for  
D- 3, 6 to 8, 10 to 12,

**CORAM:**

**HON'BLE MS. JUSTICE MINI PUSHKARNA**

**ORDER**  
**06.09.2024**

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1. Learned counsel appearing for the defendant nos. 2, 3, 6 to 8 and 10 to 12, have already given their undertaking, without prejudice to their rights and contentions, that they will change the design of the saree and shall not use the photographs of the saree of the plaintiff, as given in the plaint, or



which is identically or deceptively similar to the said photographs.

2. This Court notes that none has appeared on behalf of defendant no. 4, 5, 9 and 13 to 15, despite service. No written statement has been filed on behalf of the said defendants.

3. It is submitted that the statutory period for filing the written statement is about to expire.

4. This Court is of the view that considering the statements made by learned counsel appearing for the defendants, the suit can be decreed in favour of the plaintiff and against the defendants.

5. However, at this stage, learned counsel appearing for the plaintiff presses for damages, which is vehemently opposed by learned counsel appearing for the defendants.

6. This Court is of the view that if the suit is to be decreed at this stage in favour of the plaintiff, the same would be done only on the basis of the statement made by learned counsels for the defendants, without advertng to the merits of the case.

7. Accordingly, let instructions be taken by learned counsel appearing for the plaintiff in this regard.

8. The plaintiff is directed to appear in person virtually or physically on the next date of hearing.

9. Re-notify on 22<sup>nd</sup> October, 2024.

**MINI PUSHKARNA, J**

**SEPTEMBER 6, 2024**

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