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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CS(COMM) 567/2021, CC(COMM) 2/2022, I.A. 2117/2023, I.A. 16442/2023 & I.A. 16444/2023**

NOVATEUR ELECTRICAL & DIGITAL SYSTEMS PVT LTD

..... Plaintiff

Through: Mr. Hemant Singh, Ms. Pragya Jain
and Ms. Soumya Khandelwal, Advs.

versus

V-GUARD INDUSTRIES LTD

..... Defendant

Through: Mr. Saikrishna Rajagopal, Mr. Nitin
Sharma and Mr. Angad S. Makkar,
Advs.

CORAM:

HON'BLE MR. JUSTICE ANISH DAYAL

ORDER

04.03.2024

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I.A. 16442/2023 & I.A. 16444/2023

1. As part of the arguments, Mr. Saikrishna Rajagopal, Counsel for defendant, has adverted to certain registrations which were obtained by the associate company of plaintiff in the European jurisdictions, which are related to same designs as that of the suit design.
2. It would be necessary, in the opinion of this Court, to examine the said documents and the product in question, before any relief can be granted to defendant in the said application.
3. Mr. Hemant Singh, Counsel for plaintiff, states that, without prejudice to his rights and contentions, he shall place the relevant documents relating to the design registration with respect to the designs which are claimed by



defendant as same to the suit design and filed by their associate companies before the European Design Office. He shall file the same within the next four weeks, with copies to the opposing side.

4. Further, he shall also seek instructions on whether the concerned products, to which these European Design Rights relate, are available, and, if so, they shall be brought to the Court on the next date of hearing.

5. This is without prejudice to the rights and contentions of the parties, in that, while Mr. Saikrishna Rajagopal, contends on behalf of the defendant that the suit design was same as that of the prior designs registered by the associate companies of plaintiff in Europe and, therefore, a question is raised on the validity of the suit design, Mr. Hemant Singh, states that the said designs are not the same and, therefore, the plea of defendant is baseless.

6. List on 15th July, 2024.

7. Order be uploaded on the website of this Court.

ANISH DAYAL, J

MARCH 4, 2024/MK