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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CS(COMM) 567/2021**
NOVATEUR ELECTRICAL & DIGITAL SYSTEMS PVT LTD

.....Plaintiff

Through: Mr. Hemant Singh with Ms. Mamta Rani, Mr. Akhil Saxena, Ms. Palak Batia and Ms. A. Arora, Advocates.

versus

V-GUARD INDUSTRIES LTDDefendant

Through: Mr. Saikrishna Rajagopal with Mr. Nitin Sharma, Ms. Deepika Pokharia, Mr. Angad Makkar, Mr. Abhay Aren, Advocates.

CORAM:

HON'BLE MR. JUSTICE ANUP JAIRAM BHAMBHANI

ORDER

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08.07.2026

I.A. 16442/2023

By way of the present application filed under Order XXXIX Rule 4 read with section 151 of the Code of Civil Procedure 1908 ('CPC'), the defendant seeks setting-aside of order dated 04.01.2023.

2. The court has heard Mr. Saikrishna Rajagopal, learned counsel for the defendant/applicant as well as Mr. Hemant Singh, learned counsel for the plaintiff/non-applicant at some length.
3. The matter is at the stage of recording of evidence before a local commissioner, who has been put to a deadline to complete the process.
4. Mr. Rajagopal has premised his submissions on section 4(b) read with sections 19 and 22 of the Designs Act 2000, to submit that the plaintiff's sister concern in France had already "*disclosed to the*



public” the same design that is subject matter of the present suit, and had even obtained registration of that design. It is accordingly argued that the design could never have been registered in India.

5. Mr. Singh has disputed the submission that the design that was subject matter of the application/registration in France is the same as the design that is subject matter of the present suit.
6. This court is of the view, that the issue whether the design that was subject matter of application/registration in France, is or is not the same as that of the present suit, cannot be determined at this stage on an application under Order XXXIX Rule 4 of the CPC.
7. In view thereof, Mr. Rajagopal seeks time to take instructions on the present application.
8. For the above purpose, re-notify on 21st July 2026.

I.A. 2117/2023

9. Mr. Rajagopal also seeks time to take instructions on the present application.
10. Accordingly, re-notify on 21st July 2026.

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11. The date of 30.07.2026 before the learned Joint Registrar shall remain as-is.

ANUP JAIRAM BHAMBHANI, J

JULY 8, 2026
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