



2025:DHC:7140

\$~32

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CS(COMM) 605/2024 & I.A. No. 34116/2024**
CONDOR FOOTWEAR (INDIA) LIMITED & ANR.Plaintiffs

Through: Mr. Manish Biala, Advocate.
(M): 9810333571
Email: manish@anandandanand.com

versus

NEXGEN FOOTWEAR PRIVATE LIMITED & ORS.....Defendants

Through: Mr. Arihant Jain with Mr. Utsav
Garg, Advocates for defendant no. 1
to 4.
(M): 8800384404
Email: utsavgarg1995@gmail.com

CORAM:
HON'BLE MS. JUSTICE MINI PUSHKARNA

% **ORDER**
07.11.2024

1. Written statement on behalf of defendant nos. 1 to 4 has been filed,
wherein, the defendant nos. 1 to 4 in para 10 have stated as under:-

“xxx xxx xxx

10. That even otherwise the Defendants herein without admitting anything stated in the Plaint to be true, undertakes and submits that the Defendant No. 1 has never manufactured marketed or offered to sell this product using the Trademark in dispute and even otherwise does not intend to use this particular Trademark in dispute in future, hence the question of infringement of trade mark does not arise at all and therefore this plaint can be closed on this premise itself.

xxx xxx xxx”

2. Per contra, learned counsel appearing for the plaintiff submits that it is



2025:DHC:7140

only in para 10 that such a statement has been made by the defendants and rather in the rest of the written statement, the stand taken by the defendants is that the present suit is a frivolous suit.

3. Learned counsel appearing for the defendants submits that the defendants are carrying on their business with a mark i.e., E-BLU.

4. Upon query from this Court as to where this fact has been mentioned in the written statement, learned counsel appearing for the defendants submits that no such submission has been made in the written statement.

5. Learned counsel appearing for the plaintiff submits that the replication on their behalf has been filed today morning, along with certain documents.

6. Learned counsel for the plaintiff has handed over copy of the documents that have been filed along with the replication, to show that the defendants have been exporting their goods i.e., ladies slipper, under the mark N-BLU. For this purpose, copy of commercial invoice dated 27th April, 2023 has been shown to this Court, which clearly records defendant no. 1 as the exporter of the article N-BLU.

7. Let replication be brought on record by learned counsel appearing for the plaintiff.

8. List before the Joint Registrar (Judicial) for admission/denial of documents on 17th January, 2025, i.e., the date already fixed.

MINI PUSHKARNA, J

NOVEMBER 7, 2024

C