



2025:DHC:7140

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

+ **CS(COMM) 605/2024**

CONDOR FOOTWEAR (INDIA) LIMITED & ANR.Plaintiffs

Through: **Mr. Manish Biala and Mr. Devesh Ratan, Advs. for plaintiffs.**

versus

NEXGEN FOOTWEAR PRIVATE LIMITED & ORS.

.....Defendants

Through: **Mr. Arihant Jain and Mr. Utsav Garg, Advs. for defendants.**

CORAM:

HON'BLE MR. JUSTICE SAURABH BANERJEE

ORDER

% **27.03.2025**

I.A. 7990/2025-To take off record the document filed with replication, disallow the plaintiffs to rely on these documents and consequently dispense with admission and denial of the said documents

1. By virtue of the present application under *Section 151* of the Code of the Civil Procedure, 1908 read with *Order XI Rule 1 (5)* of the Commercial Courts Act, 2015, the defendants seek a direction for taking the documents filed by the plaintiff nos.1 and 2 along with their replication off the record, as also to disallow the plaintiffs to rely upon the said documents, consequently dispensing with the admission/ denial thereof.

2. After some arguments, learned counsel for the defendants seeks leave to withdraw the present application with liberty to move afresh in accordance with law.



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3. In view of the above, the present application is dismissed as withdrawn, with liberty as prayed for.

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4. Learned counsel for the parties submit that though the present suit is pertaining to the trade mark “INBLU” of the plaintiffs and the impugned mark “ENBLUE” of the defendants, *para 6* of the order passed by this Court dated 07.11.2024 inadvertently records the impugned mark as “N-BLU” instead of “ENBLUE”.

5. In view of the above, *para 6* of the order dated 07.11.2024 is modified, and shall hereon be read as under:-

“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 “ENBLUE”. 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 “ENBLUE”.

6. Needless to say, this order will be read in conjunction with the aforesaid order dated 07.11.2024.

7. List on the date already fixed before learned Joint Registrar, i.e. 27.05.2025.

8. Interim order(s), if any, to continue till the next date of hearing.

SAURABH BANERJEE, J

MARCH 27, 2025/bh