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

+ **CS (COMM) 662/2024**

M/S AVRO INDIA LTD. AND ANR ...Plaintiffs
Through : **Mr. Pran Krishna Jana,**
Advocate.
(Mobile No. 9811294972).

versus

M/S SURYA MOULDED FURNITURE AND ORS ...Defendants
Through : **None for Defendants**
No. 1 & 2.
Mr. Vivek Ayyagari,
Adv. for Defendant No. 3.
(Mobile No. 8017571175).
Mr. Naman Tandon,
Adv. for Defendant No. 4.
(Mobile No. 9811289656).

CORAM:

REGISTRAR (ORIGINAL) MR. ALOK MADAN

ORDER

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08.08.2024

The present case has been received in this Court by way of transfer from the Court of Ms. Vineeta Goyal, District Judge, Commercial Court-03, Patiala House Court, New Delhi.

Vide order dated 07.08.2024, the learned Registrar General directed to list the matter before Registrar (Original) on 08.08.2024 for further proceedings.

It is noticed that vide order dated 08.08.2024, the Court of Ms. Vineeta Goyal has transferred the present case to this Court keeping in view the credible challenge raised by defendants No. 1 and 2 as to the validity of the design of the



plaintiffs. Since the said court lacked jurisdiction to decide the said plea / contention, it transferred the case to this Court in terms of Section 22(4) of the Designs Act, which reads as under:-

“22. Piracy of registered design.—

... ..

(4) Notwithstanding anything contained in the second proviso to sub-section (2), where any ground on which the registration of a design may be cancelled under section 19 has been availed of as a ground of defence and sub-section (3) in any suit or other proceeding for relief under sub-section (2), the suit or such other proceeding shall be transferred by the court, in which the suit or such other proceeding is pending, to the High Court for decision.”

Let the records of the present case be arranged as per the rules and practice of the Original Side of this Court and the same be listed before the Hon’ble Court on **13.08.2024**, subject to orders of Hon’ble The Judge-In-Charge (Original Side).

I.A.(s), if any, be also numbered as per the extant rules and practice of this Court and the corresponding numbers be also mentioned in the respective Replies and Rejoinders, if any.

REGISTRAR (ORIGINAL)

AUGUST 08, 2024