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

+ **CS(COMM) 727/2024 & I.A. 47003/2024**

TRIOLOGY SOLUTIONS PRIVATE LIMITEDPlaintiff

Through: Ms. Apoorva Sharma, Mr. Anshuman Upadhyay, Mr. Naseem and Mr. Rahul Singh, Advocates.
(M): 9911373783
Email: info@markshield.in

versus

FLIPKART INTERNET PRIVATE LIMITED & ORS.Defendants

Through: Ms. Shilpa Gupta, Ms. Arushi Mann and Mr. Naman Tandon, Advocates for D-1 and 5.
(M): 9811289656
Email: naman@saikrishnaassociates.com
Mr. Vivek Ayyagari, Advocate for D-2.
(M): 8017571175
Email: v.ayyagari@saikrishnaassociates.com
Ms. Mishti Dubey and Mr. Abhay Aren, Advocates for D-3.
(M): 9897862900
Email: abhay@saikrishnaassociates.com
Ms. Disha Sharma, Advocate for D-4
Email: disha@saikrishnaassociates.com
Ms. Surabhi Pande and Mr. Raghav Goyal, Advocate for D-6
(M): 9205464387
Ms. Tanya Varma, Advocate for D-8.
(M): 9911167179
Email:



litigation@diuscswchambers.com

Mr. Divij Kumar and Mr. Varun Tandon, Advocate for D-9.

(M): 9662390128

Email: varun.tandon@induslaw.com

Mr. Naman Joshi and Mr. Amber Tickoo, Advocate for D-10.

(M): 8130647980

Email: ambertickoo@cjslegal.in

CORAM:

HON'BLE MS. JUSTICE MINI PUSHKARNA

ORDER

% **03.12.2024**

I.A. 47003/2024 (seeking clarification/modification)

1. The present application has been filed on behalf of defendant no. 8/ Snapdeal seeking clarification of the order dated 30th August, 2024 passed in I.A. 37524/2024.
2. Learned counsel appearing for defendant no. 8 submits that the plaintiff on three separate occasions vide emails dated 08th October, 2024, 14th October, 2024 and 29th October, 2024, has contacted the defendant no. 8 requesting to take down the allegedly infringing URLs of the said defendant's platform. The details of the same have been given in Para 7 of the present application.
3. Learned counsel appearing for the defendant no.8 submits that the plaintiff is misinterpreting the direction of this Court that has been given in the order dated 09th August, 2024 and vide order dated 30th August, 2024, as the said orders pertain to taking down the listings of defendant nos. 12-23, which amount to passing of counterfeit cosmetics products of the plaintiff. She further submits that the details of the entities that have been given in Para 7 of the application, are not part of the present memo of parties and are



not the arrayed defendants in the present suit.

4. Issue notice. Notice is accepted by the learned counsel appearing for plaintiff, who disputes the submissions made by learned counsel appearing for defendant no. 8.

5. Let reply be filed by the plaintiff within a period of four weeks. Rejoinder, if any, within two weeks, thereafter.

6. Re-notify on the date already fixed, i.e., 17th December, 2024.

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7. Learned counsels for defendant nos. 9 and 10 submit that despite the order dated 30th August, 2024 passed by this Court, the plaintiff has not submitted any URLs to the defendant nos. 9 and 10 for them to take action in terms of this Court's order. They further submit that the defendant nos. 9 and 10 are bound by any orders passed by this Court. However, they submit that even prior to, or after filing of the suit, there are no URLs selling the infringing products, which are subject matter of the present suit.

8. Learned counsel appearing for the plaintiff submits that he has not been able to find any URLs selling infringing products, post institution of the suit, on the platforms of defendant nos. 9 and 10.

9. Accordingly, defendant nos. 9 and 10 are deleted from the array of parties.

10. Let amended memo of parties be filed by the plaintiff, within a period of one week.

11. Re-notify on 17th December, 2024.

MINI PUSHKARNA, J

DECEMBER 3, 2024/v



This is a digitally signed order.

The authenticity of the order can be re-verified from Delhi High Court Order Portal by scanning the QR code shown above.

The Order is downloaded from the DHC Server on 07/12/2024 at 11:42:55