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

+ CS (COMM) 931/2024

GARG MACHINES

...Plaintiff

Through : None.

versus

TIMMU GEARS

...Defendant

Through : Ms. Jyoti Karki, Advocate.
(Mob. 9560104394).

CORAM:

REGISTRAR (ORIGINAL) MR. ALOK MADAN

ORDER

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24.10.2024

The present case has been received in this Court by way of transfer from the Court of Mr. Gorakh Nath Pandey, District Judge (Commercial Court), North, Rohini, Delhi through the learned Principal District & Sessions Judge concerned.

Vide order dated 18.10.2024, the learned Registrar General directed to list the matter before Registrar (Original) on 24.10.2024 for further proceedings.

It is noticed that vide order dated 30.09.2024, the Court of Mr. Gorakh Nath Pandey has transferred the present case to this Court keeping in terms of the provisions contained in Section 22 of the Designs Act. The relevant provision, i.e., Section 22(4) of the Designs Act 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 **04.11.2024**, subject to orders of Hon’ble The Judge-In-Charge (Original Side).

I.A.(s) 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)

OCTOBER 24, 2024