

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD
R/CIVIL SUITS NO. 2 of 2021
With
R/CIVIL SUITS NO. 3 of 2021

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MITA ASHOK KAPOOR THROUGH POA PARESH AJITKUMAR KAPOOR
Versus
RAJ COOLING SYSTEM PRIVATE LIMITED

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Appearance:

for the Defendant(s) No. 10,11,5,6,7,8,9
DR RAJESH H ACHARYA(2233) for the Defendant(s) No. 1,2,3,4
N K NAYAK(7471) for the Defendant(s) No. 1
BIREN J PANCHAL(9300) for the Plaintiff(s) No. 1,2
MR HARSHIT S TOLIA(2708) for the Plaintiff(s) No. 1,2
MR TEJAS S TRIVEDI(5692) for the Plaintiff(s) No. 1,2

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CORAM: HONOURABLE MR. JUSTICE NIKHIL S. KARIEL

Date : 27/07/2023
ORAL ORDER

1. Heard learned advocate Mr. Biren Panchal for learned advocate Mr. Harshit Tolia on behalf of the plaintiffs and learned advocate Mr. Niyati Fatehpuria for learned advocate Dr. Rajesh Acharya on behalf of defendant nos. 1 to 4.

2. Learned advocates, as noted by this Court vide order dated 13.07.2023, have exchanged issues.

3. Considering the same and having regard to the dispute which is required to be adjudicated, the following issues are framed for adjudication:-

(i) Whether the plaintiff proves that she is the

owner or proprietor of the Registered Design No. 324986-017 for the product of grill for air cooler?

(ii) Whether the plaintiff proves that the defendants are infringing her Registered Design No. 324986-017?

(iii) Whether the defendants prove that the registered design of the plaintiff is required to be cancelled as per the provisions of Section 19 read with Section 22(3) of the Designs Act, 2000?

(iv) Whether the defendant proves invalidity of plaintiff's design under Section 4 of the Designs Act?

(v) What is the final judgment/decreed?

4. List the matter for further consideration on 22.08.2023.

Bhoomi

(NIKHIL S. KARIEL,J)