



2025:DHC:1083-DB



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

Date of decision: 20.02.2025

+ FAO(OS) (COMM) 31/2025

PUROSIS INTERNATIONAL LLPAppellant

Through: Mr. J. Sai Deepak, Sr. Adv.
with Mr. Kunal Khanna, Mr.
Kirtan Patel, Mr. Madhav
Anand, Mr. Krtin Bhasin and
Mr. Yashveer Singh, Adv.

versus

V3 POLY PLAST & ORS.Respondents

Through: Mr. Vikas Khera, Mr. Rohit,
Ms. Sneha Sethia, Mr. Dinesh
and Mr. Yash Sharma, Adv.

CORAM:

HON'BLE MR. JUSTICE NAVIN CHAWLA

HON'BLE MS. JUSTICE SHALINDER KAUR

NAVIN CHAWLA, J. (ORAL)

CM APPL. 10562/2025 (exemption)

1. Allowed, subject to all just exceptions.

CM APPL. 10563/2025

2. The present application under Section 151 of Code of Civil Procedure, 1908 has been filed by the appellant seeking condonation of 317 days delay in filing the appeal.

3. With the consent of the learned counsel for the respondents,



who appears on advance notice, the delay of 317 days in filing the appeal is condoned. The application is, accordingly, disposed of.

FAO(OS) (COMM) 31/2025, CM APPL. 10561/2025

4. This appeal has been filed by the appellant, challenging the Order dated 23.01.2024 passed by the learned Single Judge of this Court, in I.A. No. 20553/2023 in CS(COMM.) 741 of 2023 titled ***Purosis International LLP v. V3 Poly Plast & Ors.***, disposing of the *interim* application filed by the appellant under Order XXXIX Rule 1 & 2 of the Code of Civil Procedure, 1908, observing and directing as under:-

“12. In light of the foregoing analysis and comparisons, this Court concludes that the design proposed by Defendant No. 1, as depicted in Exhibit B, falls outside the purview of the injunction order dated 17th October 2023. Consequently, it is hereby ordered that Defendant No. 1 may proceed with the implementation of this proposed design for their products. Defendant No. 1 shall strictly adhere to the specifics of the proposed design as detailed in Exhibit B. Any deviation from this approved design may potentially contravene the Court’s order and the underlying intent of the injunction. Additionally, Defendant No. 1 is expressly prohibited from marketing or promoting their product as a variant or derivative of the Plaintiff’s product. They must adhere to this condition to ensure that the market identity and intellectual property rights of the Plaintiff’s product are preserved and that consumer confusion is avoided.

13. Mr. Grover, without prejudice to his rights and contentions and without admitting that their design impugned in the suit, infringes the Plaintiff’s design, nonetheless, agrees that the injunction order dated 17th October, 2024 can be confirmed. It is ordered accordingly.

14. Defendant No. 1 is directed to file an affidavit



2025:DHC:1083-DB



disclosing the current status of the stock and the timelines within which such stock will be disposed of. Let the affidavit be filed within two weeks from today. Further directions in this regard shall be issued once the affidavit is filed.”

5. The learned Senior Counsel for the appellant confines his prayer only to the limited extent that the appellant be allowed to amend the plaint filed before the learned Single Judge so as to now specifically include a challenge to the new design of the respondents. He further submits that on such amendment being allowed, it be further clarified that the finding in the Impugned Order would not prejudice the final outcome of the Suit on trial.

6. Issue notice.

7. Notice is accepted by Mr. Vikas Khara, the learned counsel on behalf of the respondents.

8. He submits that while he has no objection on the appellant amending the plaint so as to include a specific challenge to the new design of the respondents, and the said challenge to be determined at the conclusion of the trial, he fears that the appellant may, taking benefit of this Order, move a fresh application seeking *interim* relief against the respondents on the new design. He submits that the said issue already having been decided by the Impugned Order, should not be allowed to be reopened.

9. The learned Senior Counsel for the appellant does not oppose this submission of the learned counsel for the respondents. He submits that the appellant shall not be filing a fresh application seeking *interim* injunction against the use of the new design by the respondents, and



2025:DHC:1083-DB



the said issue would have to be determined only at the conclusion of the trial.

10. Keeping in view the above submissions, the present appeal is disposed of, with the consent of the learned counsels for the parties, by directing as under:-

- a) The appellant shall be entitled to file an amended plaint specifically including a challenge to the new design of the respondents, which has been *prima facie* approved by the learned Single Judge by way of the Impugned Order.
- b) The issue whether the new design in any manner infringes the design of the appellant, shall be determined in the trial, on consideration of the evidence that is led by the parties on the same.
- c) The appellant, however, will not be entitled to file a fresh application seeking *interim* relief against the respondents for the new design that has been adopted by the respondents, as the said issue at least till the final adjudication of the Suit, stands concluded by way of the Impugned Order.
- d) The learned counsels for the parties further agree that this Order being only *inter-se*, will not be circulated in any trade circle.

NAVIN CHAWLA, J

SHALINDER KAUR, J

FEBRUARY 20, 2025/ss/kp/IK

Click here to check corrigendum, if any