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

+ **CS(COMM) 92/2022**

**V GUARD INDUSTRIES LTD**

..... Plaintiff

Through: Mr. Sachin Gupta and Mr. Rohit Pradhan, Advocates

versus

**CROMPTON GREAVES**

**CONSUMER ELECTRICALS LTD**

..... Defendant

Through: Mr. Darpan Wadhwa, Senior Advocate with Mr. Hemant Daswani, Ms. Saumya Bajpai, Ms. Neelakshi Bhaduria, Advocates

**CORAM:**

**HON'BLE MR. JUSTICE AMIT BANSAL**

**ORDER**

**17.04.2023**

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1. This matter is being taken up today on account of 14<sup>th</sup> April, 2023 being declared a Court holiday.

**I.A. 9922/2022 (O-XXXIX R-2A of CPC)**

2. Pursuant to the order passed on 23<sup>rd</sup> February, 2023 affidavit of compliance has been filed on behalf of the plaintiff as well as the defendant.

3. In terms of the compliance affidavits filed, both parties have written to the five entities, which were identified in the order dated 23<sup>rd</sup> February, 2023 and were stated to be still selling/listing the products of defendant bearing the impugned trademark 'PEBBLE'.

4. Counsel for the plaintiff submits that the impugned products of the defendant are still available on Amazon. He further submits that there are four other entities, who are still selling/listing the impugned products of the



defendants. However, no details regarding the same have been provided by the plaintiff.

5. Liberty is given to the plaintiff to move an appropriate application giving details of the infringing goods still being sold.

6. Senior Counsel for the defendant undertakes that if it is brought to the notice of the Court, that an entity is still selling the impugned products, the defendant shall forthwith send a written communication to the said entity calling upon it to desist from selling the impugned products.

7. In view of the above, need is not felt to keep the present application pending and the same is disposed of with the aforesaid liberty to the plaintiff.

**I.A. 16651/2022 (delay of 35 days in filing WS), I.A. 16652/2022 (delay of 20 days in curing the defects in delay application)**

8. The present applications have been filed for condonation of delay in filing written statement and curing the defects in delay application.

9. For the reasons stated, the applications are allowed and the written statement is permitted to be taken on record.

**I.A. 3006/2022 (O-VII R-11 of CPC)**

10. Counsel for the defendant submits that the same issues have also been taken in the written statement. He further submits that at this stage he does not press the application under Order VII Rule 11 of Code of Criminal Procedure, 1908 (CPC) while reserving the liberty to press these issues at an appropriate stage.

11. Application is disposed of with the aforesaid liberty.

**CS(COMM) 92/2022**

12. In view of the order passed above, the written statement is taken on



record.

13. Replication thereto has already been filed.

14. List for framing of issues on 15<sup>th</sup> May, 2023.

**AMIT BANSAL, J.**

**APRIL 17, 2023**

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