

\$~31

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

+ **CS (COMM) 989/2018 & I.A. 8504/2018 (stay)**

RAW MANGO PRIVATE LTD. Plaintiff

Through: Mr. Pravin Anand and Mr. Shamim
Nooreyezdhan and Ms. Prakriti
Sharma, Advocates. (M:9910363383)

versus

VAISHALI SHADANGULE Defendant

Through: Defendant in person.

CORAM:

JUSTICE PRATHIBA M. SINGH

ORDER

% **09.07.2018**

I.A. /2018 (u/O XXIII Rule 3 CPC) (to be numbered)

1. Present suit was filed by Raw Mango Private Limited, which is a company promoted by Mr. Sanjay Garg, a designer, against the Defendant in respect of a Saree design, claimed to be part of the Plaintiff's 'Grid range'. Disputes had arisen as the Defendant had claimed that the Plaintiff's design was an imitation of one of her designs presented in 2012. The parties had given various reports and statements in the media, which led to the filing of the present suit.

2. On 5th July, 2018 this Court passed the following order.

“.....

**I.A. 8504/2018 (Application under Order
.XXXIX Rules 1 and 2 read with Section 151 of
the CPC)**

5. Issue notice to the Defendant.

6. The Plaintiff claims to be a well known designer selling his products under the brand 'Raw Mango'. It is claimed that one of his

collections is the 'Grid' collection which he launched in the year 2018. The Plaintiff also claims that he received an email dated 22nd June, 2018 from the Defendant claiming that one design, part of the Plaintiffs 'Grid' collection was inspired from her Wills India fashion week 2012 collection. It is pleaded that the Defendant has started making derogatory remarks against the Plaintiff in the media.

7. The Plaintiff has placed on record the photographs comparing the two designs. However, it is stated that the Defendant's product is not available in the market currently. The photographs of the Defendant's products have been taken from the internet and the comparison has been brought out. On the basis of the comparison it is argued that the Plaintiffs design/artwork is original and is not an imitation of the Defendant's design. Ld. Counsel for the Plaintiff has relied upon the documents on record to argue that the image of the Plaintiff is being tarnished.

8. A perusal of the publications at page 504 and 517 shows that both parties have been giving statements and counter-statements to the Press about the designs, subject matter of the present suit. The version of both parties is contrasting in nature and without hearing the Defendant, this Court would not like to pass any orders. Suffice it to observe at this stage that, both parties being designers, they shall ensure that the statements that they make in the social media and in other media outlets are responsible and are not derogatory to each other.

9. In view of the various posts on social media and the notices exchanged between the parties, summons and notices are issued to the Defendant for a short date. It is directed that the Defendant

shall produce the saree designed by her along with evidence of exhibiting the same in 2012, on the next date of hearing.

CS (COMM) 989/2018

10. Issue summons under the provisions of the Commercial Courts, Commercial Division and Commercial Appellate Division of High Courts Act, 2015 returnable on 9th July, 2018. Notice be served both dasti as also by email to the Defendant at her email address vaishalishadangule@gmail.com.”

3. Notice and summons were issued on the Defendant and today the Defendant has entered appearance. An application under Order XXIII Rule 3 CPC has been handed over by learned counsel for Plaintiff. Let the I.A. be numbered. The same is signed by the promoter of the Plaintiff company, its counsel and the Defendant, who is present in person. The application is also supported by the respective affidavits of the parties. It is reported that both the parties have settled their disputes on the following terms and conditions.

“The Plaintiff and the Defendant herein, have arrived at a consensus and agreed to the following:

a. Ostensibly, two collections and sometimes two specific pieces of design look similar, in photographs. But after listening to each other on our processes of design as two creative people, we realize such a deduction can be flawed.

b. Raw Mango and Vaishali S have not been inspired by similar concepts yet have ended up creating these two pieces. These are not copies but they may overlap in terms of design details.

c. This statement has been arrived at by an intense, frank process of listening to each

other, exploration of each other's research papers, records, and accepting that our statements to each other and the media were lead by obvious and emotional responses instead of a forensic examination of facts.

d. With this we would like to step back from public and legal confrontation. The matter stands closed with mutual agreement and respect for each other's work."

4. The court has perused the settlement. The same appears to be lawful and there is no impediment in recording the settlement. In view of the settlement, that has been arrived at between the parties, the suit is disposed of as settled in terms of the paragraph 2 of the application, terms of which are set out herein above. The memo of compromise shall form the part of the decree sheet, which will be drawn up. The Defendant's identification, copy of passport no.H7892619 has been taken on record.

5. The suit and all pending I.A.s stand disposed of.

6. In view of the fact that the suit has been settled prior to the second hearing, 50% of the Court fees be refunded to the Plaintiff.

PRATHIBA M. SINGH, J.

JULY 09, 2018/dk