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IN THE HIGH COURT OF DELHI AT NEW DELHI

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FAO (COMM) 151/2022, CM APPL. 66544/2023

A N POLYMERS PVT LTD

..... Appellant

Through: Ms Manisha Singh, Mr Abhai
Pandey, Mr Varun Sharma, Mr
Gautam Kumar, Mr Manish Aryan
and Ms Swati Mittal, Advocates

versus

KENT RO SYSTEMS LTD & ORS

..... Respondents

Through: Ms Rajeshwari H. and Mr Deepanshu
Nagar, Advocates

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

HON'BLE MS. JUSTICE TARA VITASTA GANJU

ORDER

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18.01.2024

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1. The appellant has filed the present appeal impugning the order dated 16.04.2019, whereby the learned Judge had disposed of the applications filed under Order 39 Rule 1 and 2 CPC and Order 39 Rule 4 CPC. In terms of the said order, the learned Commercial Court had confirmed the interim order dated 27.12.2018, whereby the appellant was restrained from infringing the respondent's design bearing no. 219309.
2. The learned Commercial Court was *prima facie* of the view that the appellant had copied the said design in its product design no.291213.
3. Learned counsel for the parties state that the issues involved in the present dispute have been rendered academic as the term of the registered design bearing no. 219309 has expired on 17.10.2023.

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4. In view of the above, the present appeal is disposed of observing that the restraint in terms of the impugned order is no longer operative.
5. The next date of hearing i.e., 22.02.2024 stands cancelled.

VIBHU BAKHRU, J

TARA VITASTA GANJU, J

JANUARY 18, 2024
g.joshi

Click here to check corrigendum, if any

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