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

+ **CS(COMM) 865/2022**

TTK PRESTIGE LTD.

.....Plaintiff

Through: Ms. Akansha Singh, Ms. Saloni
Kasliwal, Advocates (M:9111432161)

versus

GUPTA LIGHT HOUSE

.....Defendant

Through: Mr. Kunal Khanna, Mr. Manish
Singhal, Advocates (M:9999757185)

CORAM:

HON'BLE MS. JUSTICE MINI PUSHKARNA

ORDER

23.10.2024

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1. The present suit was decreed in favour of the plaintiff and against the defendant vide order dated 24th July, 2023, in the following terms:

“xxx xxx xxx

29. In view thereof, the issues framed in the present case are decided thus:

Issue 1 - In favour of the plaintiff and against the defendant. The suit filed by the plaintiff is maintainable. The suit design is not vulnerable to invalidity on any of the grounds envisaged in Section 19 of the Designs Act.

Issue 2 - In favour of the defendant and against the plaintiff. The plaintiff cannot be granted a decree of permanent injunction as the suit design has expired on 13 September 2019.

Issue 3 - In favour of the defendant and against the plaintiff. As the suit design has expired, and there are no seized goods, no direction for delivery up can be passed.

Issue 4 - Not pressed by the plaintiff.

Issue 5 - The plaintiff is entitled to a decree of rendition of accounts against the defendant, as also to costs.

30. The present suit is decreed by directing the defendant to render accounts by filing on affidavit the details of the earnings made by the defendant by sale of the pressure cookers bearing the impugned



designs, from the beginning, duly certified by a Chartered Accountant. Said details shall be filed before this Court within a period of four weeks from today. Liberty shall separately stand reserved with the plaintiff, thereafter, to proceed against the defendant for recovery of damages, if it so chooses.

31. The plaintiff shall also be entitled to actual costs of the present litigation, for which purpose, the plaintiff is directed to place on record a certificate of costs incurred by it. For the purpose of computation of costs, let this matter be listed before the Taxation Officer of this Court on 29 August 2023.

xxx xxx xxx”

2. Perusal of the aforesaid order dated 24th July, 2023 clearly shows that the plaintiff has been held not only entitled to actual cost of the present litigation, but also rendition of accounts against the defendant. However, learned counsel for the plaintiff confines the relief to the costs.
3. It is noted that vide order dated 24th July, 2023, there are categorical findings against the defendant herein, whereby, this Court had rejected all the contentions of the defendant with respect to the design of the plaintiff.
4. There is a clear finding by this Court that the defendant's product is imitative of the design of the plaintiff's product.
5. This Court notes that the plaintiff has filed an affidavit of costs, wherein, they have claimed cost of ₹ 6,28,250/-
6. Accordingly, considering the facts and circumstances of the case, cost of ₹ 6,28,250/- as certified by the plaintiff, as its litigation cost, is awarded in favour of the plaintiff and against the defendant.
7. Let decree sheet be drawn up accordingly.
8. Consequently, the present suit is disposed of.

MINI PUSHKARNA, J

OCTOBER 23, 2024

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