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

+ **CONT.CAS(C) 1374/2024**

M/S IGNYT ELECTRICALS

.....Petitioner

Through: Mr.Rajat Wadhwa, Mr.Vikas
Sood, Mr.Gurpreet Singh,
Ms.Divya Kanwar, Mr.Raghav
Arora, Mr.Varun Sharma and
Mr.Harsh Vikram, Advocates.

versus

RADHA KISHAN AGARWAL & ANR.Respondents

Through: None.

CORAM:

HON'BLE MR. JUSTICE DHARMESH SHARMA

ORDER

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02.09.2024

CM APPL. 50410/2024 – EXMP.

1. Allowed, subject to all just exceptions.
2. The application stands disposed of.

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3. The petitioner is seeking initiation of contempt proceedings against the respondent for alleged wilful disobedience of the undertaking given by the sole proprietor of the respondent firm as recorded in the order dated 11.07.2024 by the Division Bench of this Court in FAO(Comm) No.112/2024.
4. In a nutshell, an undertaking was given on behalf of the respondent/sole proprietor that they shall henceforth not use the current stock of goods including those under the trademark 'IGNYT'.
5. None is present for the respondent/sole proprietor despite sending advance notice.



6. Learned counsel for the petitioner has alluded to the coloured photographs, which form part of Annexure-6, whereby apparently it is shown that some goods were being loaded outside the shop of the respondent/sole proprietor as on 05.08.2024 and the learned counsel for the petitioner has also pointed out that in some of the boxes, which contain the infringed material, the date of manufacturing is mentioned as '07/2024'.

7. After some arguments, learned counsel for the petitioner submits that the petitioner would serve a "cease and desist" notice upon the respondent/sole proprietor to ensure compliance of the orders of this Court.

8. It is submitted that if the same is not responded to by the respondent positively, the petitioner may file appropriate proceedings afresh.

9. The present petition is disposed of with liberty to the petitioner to take appropriate action in accordance with law.

DHARMESH SHARMA, J.

SEPTEMBER 2, 2024/VLD