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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ CS(COMM) 481/2024 & I.A. 31018/2024, I.A. 31019/2024, I.A.
37433/2024, I.A. 42331/2024

RISHABH PLAST INDIA PRIVATE LIMITEDPlaintiff

Through: Ms. Anju Agrawal, Ms. Manisha Singh, Mr. Abhai Pandey, Ms. Swati Mittal, Mr. Varun Sharma, Mr. Gautam Kumar, Mr. Nishant Rai, Mr. Manish Aryan, Mr. Dhruv Tandon, Ms. Shivani Singh, Ms. Akhya Anand, Advocates (M: 9810578767)

versus

SWASTIK INDUSTRIES & ANR.Defendants

Through: Mr. Deepak Dhyani, Advocate for D1
Mr. Yogesh Dass, Ms. Anjali, Ms. Latika Vashisht, Ms. Kshma Sharma, Advocates for D-2

CORAM:
HON'BLE MS. JUSTICE MINI PUSHKARNA

% **ORDER**
12.02.2025

1. The present suit has been filed seeking permanent injunction restraining the defendants and all those acting for and on their behalf from copying and selling copies of the plaintiff's registered design no. 361251-001 dated 25th March, 2022, under Class 09-03 for storage containers 'NIKOLA', and from marketing, manufacturing, promoting, selling storage



containers under the model name 'Jony Vintage'.

2. The pictorial representation of the plaintiff's design in the container, as given in the plaint, is extracted as under:



3. The present suit was filed on the ground that the defendants were found to be infringing upon the registered design of the plaintiff by manufacturing and selling inferior quality storage containers bearing a design which had a slavish imitation of the plaintiff's registered design for storage containers.

4. The comparative chart showing the plaintiff's suit design 'NIKOLA' and defendants' container bearing infringing design 'JONY VINTAGE' is



reproduced as under:

PLAINTIFF'S SUIT DESIGN "NIKOLA"	DEFENDANTS' CONTAINER BEARING THE INFRINGING DESIGN "JONY VINTAGE"
	
	

5. Subsequently, when the present matter was listed for hearing on 23rd January, 2025, learned counsel for the defendants submitted that the defendants have already adopted a new design for their product, which is as follows:



6. Thus, learned counsel for the plaintiff had sought time to take instructions.
7. Today, learned counsel for the plaintiff submits that she has taken instructions and that the plaintiff is agreeable with the new design adopted by the defendants, provided that in case the defendants change the design of their product, they shall intimate the plaintiff.
8. Learned counsel for the defendants submits that the defendants shall intimate the plaintiff, in case of any change in design of their product in future.
9. Learned counsel for the plaintiff presses for costs.
10. Considering the submissions made before this Court, costs of ₹ 5,000/- each is imposed upon the defendants, which shall be paid to the plaintiff within a period of two weeks, from today.



11. Accordingly, decree is passed in favour of the plaintiff and against the defendants in terms of Paragraph 43 (a) and (b) of the plaint, along with costs of ₹ 5,000/- payable to the plaintiff by each of the defendants.
12. Let the decree sheet be drawn up.
13. The present suit, along with pending applications, accordingly stands disposed of.

MINI PUSHKARNA, J

FEBRUARY 12, 2025

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