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

+ CS(COMM) 882/2024 & I.A. 41724/2024, I.A. 45041/2024, I.A. 47019/2024, I.A. 48626/2024

SAMSONITE IP HOLDINGS S.A.R.L.

.....Plaintiff

Through: Mr. Jayant Mehta, Sr. Adv. with Mr.
C. A. Brijesh, Mr. Krisna Gambhir,
Ms. Simranjot Kaur, Advocates (M:
9478515115)

versus

SWISS MILITARY CONSUMER GOODS LTD.

.....Defendant

Through: Mr. Essenese Obhan, Ms. Anjuri
Saxena, Ms. Urvashi Singh,
Advocates

CORAM:

HON'BLE MS. JUSTICE MINI PUSHKARNA

ORDER

17.02.2025

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1. The present suit has been filed seeking permanent injunction restraining the defendant from using plaintiff's registered design, i.e., Samsonite Nuon, bearing no. 330165-001 and American Tourister Bayview, bearing no. 317776-001.

2. Learned counsel for the defendant, on instructions, submits that the defendant shall not manufacture or sell the suitcases with the suit design any further.

3. She, however, submits that there has been no infringement on the part of the defendant, and that the said statement is being made only with a view to close the litigation between the parties.

4. At this stage, learned Senior Counsel for the plaintiff submits that



though they are satisfied with the statement that the defendant shall not manufacture or sell the suitcases with the design in question, however, the details of the stock with respect to suitcases already manufactured and released in the market by the defendant, be filed before this Court.

5. He submits that this is imperative so that the clear factual position, along with 'Batch Number' and 'Date of Manufacture', is placed before this Court, so that no further products are manufactured or released in the market by the defendant.

6. Learned Senior Counsel for the plaintiff further submits that the plaintiff shall give up its costs and damages in view of the statement made by the defendant.

7. Accordingly, with the consent of the parties, without making any observations as regards the issue of infringement, the following directions are issued:

I. The suit is decreed in favour of the plaintiff in terms of Para - 45 (a) to (c) of the plaint.

II. The counter claim filed by the defendant is dismissed as withdrawn.

8. Let decree sheet be drawn up in the aforesaid terms.

9. Considering the submissions made before this Court, the defendant is directed to file details of its stock statement, clearly detailing the 'Batch Number' and 'Date of Manufacture' of the suitcases with the suit design in question.

10. Let requisite stock statement, along with affidavit, be filed by the defendant within a period of four weeks, from today.

11. The suit, along with pending applications, accordingly stands disposed of.



12. List for compliance on 27th March, 2025.

FEBRUARY 17, 2025

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MINI PUSHKARNA, J