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

+ **CS(COMM) 980/2025 & I.As. 22782/2025, I.A. 22785/2025**

V-GUARD INDUSTRIES LTD

.....Plaintiff

Through: Mr. Sachin Gupta, Mr. Rohit Pradhan,
Ms. Prashansa Singh, Mr. Adarsh
Agarwal, Mr. Ajay Kumar and Ms.
Manima, Advocates

versus

M/S. RELAXO HI-TECH APPLIANCES & ORSDefendants

Through: Mr. Surinder Singh, Mr. Amit Verma
and Mr. Deepankar Chugh,
Advocates for D-1
Mr. Sanjeev Kumar, Ms. Amrita
Chanchal and Mr. Priyam Singh,
Advocates for D-3
Mr. Vijay Sehgal, partner of
defendant no. 1 in person (Through
VC)
Mr. Sohan Sehgal, partner

CORAM:

HON'BLE MS. JUSTICE MANMEET PRITAM SINGH ARORA

ORDER

% **26.09.2025**

I.A. 22785/2025 (Under Order XXXIX Rule 1 and 2 CPC)

Defendant no. 1

1. Mr. Surinder Singh, Advocate appearing on behalf of defendant no. 1 (partnership firm) states on instructions that defendant no. 1 acknowledges the proprietary and statutory rights of the plaintiff in the design of the ceiling fan enumerated at paragraph '7' of the plaint.

1.1. He states that defendant no. 1 undertakes not to manufacture, sell, or



in any manner deal with any product which infringes the said registered design of the plaintiff.

1.2. He submits that Mr. Vijay Sehgal, partner of defendant no. 1, has also joined the proceedings through the Video Conferencing link.

1.3. He submits that parties are still negotiating before the Mediation Centre with respect to the plaintiff's claim qua damages and legal costs.

1.4. He further states that defendant no. 1 has no existing stocks of the infringing products or the moulds for the infringing design.

1.5. He states that defendant no. 1 further undertakes that they will withdraw their pending application for registration of the design of their infringing product within a period of two (2) weeks.

2. Learned counsel for the plaintiff states that the plaintiff is satisfied with the aforesaid undertaking given by defendant no. 1 and reserves his right to negotiate with defendant no. 1 for the claim of damages and cost.

3. The injunction application vis-à-vis Defendant No. 1 is disposed of in terms of the aforesaid undertaking, which shall be binding upon the said defendant.

Defendant no. 3

4. Mr. Sanjeev Kumar, Advocate, enters appearance on behalf of defendant no. 3. He states that he has already e-filed his Vakalatnama. He is directed to provide a copy of the same to the learned counsel for the plaintiff.

5. Learned counsel for the plaintiff states that the plaintiff is aggrieved by the packaging adopted by defendant no. 3's for its goods, i.e., ceiling fans and submersible pumps, which is deceptively similar to the plaintiff's trade-dress and packaging. He refers to the comparison set out in paragraph '1.2'



of the plaint.

6. In response, learned counsel for the defendant no. 3 states that defendant no. 3 has discontinued the use of its impugned packaging.

He states that the photographs of the current packaging shall be e-mailed to the learned counsel for the plaintiff within three (3) days and the same shall also be produced before the Court on the next date of hearing.

7. The statement of Defendant No. 3 is taken on record, and Defendant No.3 is hereby injuncted from using the packaging displayed at paragraph '1.2' of the plaint.

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8. Learned counsel for defendant no. 3 states that defendant no. 3, would also like to participate in the mediation proceedings.

9. This Court has been informed that the mediation is next listed on 17.10.2025 at 12:00 P.M. before Mr. Abhas Mishra, Mediator.

10. Defendant no. 3 is directed to participate in the mediation proceedings on the said date.

11. Mr. Surinder Singh, learned counsel for defendant no. 1 clarifies that in paragraph 1.1 of the plaint, there is an image of a packaging, which bears the marks Oxaler and GLAMOUR. He states that this packaging as seen in paragraph '1.1' belongs to defendant no. 1.

11.1. He states that the use of the mark GLAMOUR was a bona fide mistake and has been discontinued.

The statement of defendant no. 1 is taken on record and defendant no. 1 is bound down to the same.

12. In view of the submissions made by defendant no. 1, the documents placed on record do not substantiate the cause of action pleaded against



defendant no. 2 in the plaint.

13. Learned counsel for the plaintiff seeks liberty to place on record additional documents to substantiate its cause of action against defendant no. 2.

14.1. He further states that an advance service has been affected on defendant no. 2 in pursuance to order dated 15.09.2025.

14.2. He states that he has browsed the website of defendant no. 2 and has seen images of a ceiling fan, which appears to infringe the plaintiff's registered design.

14.3. He states that he will take appropriate steps for placing on record the said additional facts.

15. Let the plaint be registered as a suit.

16. Summons be issued to the Defendant no. 2 only by all permissible modes on filing of process fee. Affidavit of service(s) be filed within two (2) weeks.

17. No summons are being issued to defendant no. 1 and defendant no. 3, since they have already entered appearance and are in advance talks of mediation with the plaintiff.

18. The summons issued to defendant no.2 shall indicate that the written statement must be filed within thirty (30) days from the date of receipt of the summons. Defendant no. 2 shall also file affidavit of admission/denial of the documents filed by the plaintiff, failing which the written statement shall not be taken on record.

19. The Plaintiff is at liberty to file replication thereto within thirty (30) days after filing of the written statement. The replication shall be accompanied by affidavit of admission/denial in respect of the documents



filed by defendant no. 2, failing which the replication shall not be taken on record.

20. It is made clear that any unjustified denial of documents may lead to an order of costs against the concerned party.

21. Any party seeking inspection of documents may do so in accordance with the Delhi High Court (Original Side) Rules, 2018.

22. List the matter before the Court on **09.12.2025**.

23. The digitally signed copy of this order, duly uploaded on the official website of the Delhi High Court, www.delhihighcourt.nic.in, shall be treated as a certified copy of the order for the purpose of ensuring compliance. No physical copy of order shall be insisted by any authority/entity or litigant.

MANMEET PRITAM SINGH ARORA, J
SEPTEMBER 26, 2025/rhc/aa