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

+ CS(COMM) 469/2021 & I.A. 15066/2022

LOUIS VUITTON MALLETIER Plaintiff

Through: Mr. Pravin Anand, Mr. Dhruv Anand, Ms. Udita Patro, Ms. Swati Jain and Ms. Nimrat Singh, Advs.

versus

CAPITAL GENERAL STORE & ORS. Defendant

Through: Mr. Kailash Sharma and Ms. Nishi Jain, Advs. for D 1
Mr. Birender Bhatt and Mr. Rakesh Kumar, Advs. for D 2 & 6

CORAM:
HON'BLE MR. JUSTICE C.HARI SHANKAR

% **ORDER**
02.12.2022

I.A. 15066/2022

1. Despite summons in the suit, service on 23rd September 2021, this Court, while issuing summons in CS(COMM) 469/2021, restrained the defendants from importing, manufacturing, selling or offering for sale or otherwise dealing with the registered trademarks “Louis Vuitton Malletier” or the logo “LV”, as well as other associated monograms and patterns, as would infringe the registered trademarks of the plaintiff.

2. Summons in the suit were served on the defendants. Affidavit of compliance in terms of Order XXXIX Rule 3 of the CPC was also filed by the plaintiff’s evidencing service on the defendants on 4th October

2021. No written statement has been filed by Defendant 2 or Defendant 3 in the present proceedings.

3. By the present application, it is alleged that Defendants 2 and 3 were in contumacious breach of the order dated 23rd September 2021 as, even after the passing of the said order and after service on them had been effected under Order XXXIX Rule 3 of the CPC, infringing goods were being sold by them. Rough invoices issued by the said defendants to the said effect evidencing sale have also been placed on record with the application.

4. Notice on the present application was issued to defendants 2 and 3 on 14th September 2022.

5. There is no response to the application by Defendant 3. Nor is Defendant 3 present in Court despite order dated 14th September 2022 passed by this Court.

6. Accordingly, let bailable warrants be issued to secure the presence of Defendant 3 in the Court on the next date of issue, through the jurisdictional police authorities.

7. Mr. Birender Bhatt, appearing for Defendant 2, acknowledges the fact that, despite the passing of the interim directions in the order dated 23rd September 2021, Defendant 2 did continue to deal in the infringing products. Defendant 2, however, expresses contrition and tenders an unconditional apology in that regard and prays for a lenient attitude by the Court.

8. Accordingly, Defendant 2 is held guilty of contempt of having violated the order dated 23rd September 2021 passed by this Court. To consider the aspect of sentencing, list on 2nd February 2023.

CS(COMM) 469/2021

9. Re-notify on 2nd February 2023.

C. HARI SHANKAR, J

DECEMBER 2, 2022/AR