CHRISTIAN LOUBOUTIN SAS v ABUBAKER & ORS:

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The Hon'ble Division Bench of the Delhi High Court on 11th April 2019 allowed an appeal filed by well-known shoe maker Christian Louboutin, renowned for its famous RED SOLE shoes. The appeal challenged a judgment passed by a single judge of the court in a suit filed by the brand owner enforcing its RED SOLE trademark, which was dismissed at the threshold. The Hon'ble Division Bench of the Delhi High Court while setting aside the judgment found that the Single Judge's invocation of a provision under the code of Civil Procedure dealing with 'judgement on Admissions', to dismiss the lawsuit at the first date of hearing was erroneous. The Hon'ble Division Bench further observed that the impugned Judgment passed was contrary to the other orders passed in favour of Christian Louboutin by coordinate Single Benches of the Delhi High Court, in particular the judgment passed recognizing the RED SOLE trademark as a well-known trademark. The Hon'ble Bench stated that it was well established that in cases where there exists a difference of opinion on questions of law by coordinate benches, the matter should be reffered to a larger bench. The Division Bench observed that on a holistic reading of the plaint, there were sufficient facts pleaded by the plaintiff which justified issuance of notice to the Defendants and a proper hearing thereafter. The Hon'ble Bench, while setting aside the judgment, remanded the matter to a Single Judge to decide the plaintiff's Injunction Application. The matter is now listed on the 13th of May, 2019 for both parties to appear before the learned Single Judge in Christian Louboutin's restored issue. Team: Pravin Anand, Dhruv Anand, Udita M Patro and Nischay Mall

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