

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
SUIT NO.87 OF 2015
WITH
LEAVE PETITION NO.2 OF 2015
AND
NOTICE OF MOTION NO.141 OF 2015**

Ajanta Pharma Ltd. ... Plaintiff
versus
Embark Life Science Pvt. Ltd. and Anr. ... Defendant

Mr. A.H.Kane with Ms. A. Kulkarni i/by M/s. W.S.Kane and Co., for Plaintiff.
Mr. Sanjeev S. Hariakar, for Defendants.

**CORAM: S.J. KATHAWALLA, J.
DATE: 12th JUNE, 2015**

PC.:

1. Heard the learned Advocates for the parties and by consent, the following order is passed :

(i) Petition seeking leave under Clause 14 of the Letters Patent is granted to the Plaintiff.

(ii) The Suit is decreed in terms of prayer clauses (a) and (b) which are reproduced hereunder :

(a) that the Defendants by themselves, their Directors, agents, servants, stockists, dealers, distributors, and all persons claiming through them be restrained by a perpetual order and injunction of this Hon'ble Court from infringing the Plaintiff's registered trade mark GLOTAB bearing registration

No.1713688 in Class 05 by the use of the impugned trade mark GLOTAB or any other mark deceptively similar to the Plaintiff's registered trade mark GLOTAB bearing registration No.1713688 in Class 05, in respect of medicinal, pharmaceutical and veterinary preparations or in any other manner whatsoever;

(b) that the Defendants by themselves, their Directors, agents, servants, stockists, dealers, distributors, and all persons claiming through them be restrained by a permanent order and injunction of this Hon'ble Court from manufacturing and/or marketing and/or exporting and/or importing and/or selling and/or advertising and/or trading in and/or otherwise dealing in medicinal, pharmaceutical and veterinary preparations bearing the impugned trade mark GLOTAB or any other trade mark deceptively similar to the Plaintiff's trade mark GLOTAB so as to pass off or enable others to pass off the Defendants' goods as and for the Plaintiff's goods or in any other whatsoever;

(iii) In view thereof, the Plaintiff is not pressing for any costs and/or damages from the Defendants.

(iv) The Suit is accordingly disposed of. Refund of Court Fees, if any, as per rules. The Notice of Motion is also disposed of.

(S.J.KATHAWALLA, J.)