

\$~9

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

+ RFA 820/2015

M/S UNICURE REMEDIES PVT LTD Appellant

Through: Mr. Yadunandan Bansal, Adv.

Versus

M/S SAS PHARMACEUTICALS Respondent

Through: None.

CORAM:

HON'BLE MR. JUSTICE RAJIV SAHAI ENDLAW

ORDER

% **27.05.2016**

CM No.20697/2016 (for exemption)

1. Allowed, subject to just exceptions.
2. The application is disposed of.

Review Petition No.272/2016 & CM No.20695/2016 (for condonation of 145 days delay in filing the review petition) and CM No.20696/2016 (for stay)

3. The only ground on which review is sought i.e. of the appellant/applicant having stated before this Court on 10th January, 2011 in FAO No.177/2009 preferred against interim order in the suit that it had stopped using the trade mark with respect to which suit was filed and thus being under the impression that the suit was not to proceed further has been considered in paras no. 5(ii) and (iii) of the order dated 4th December, 2015 of which review is sought. It matters not that the appellant/applicant at that time had not filed the copy of the order dated 10th January, 2011. Merely because the Court, in para 5.1 of the order of which review is sought observed that the grounds urged were vague and bald would not mean that

the said plea was not considered, specially when the same is expressly noted.

4. Merely because there is a change in judge is not a ground for seeking review and / or taking a different view.

5. Dismissed.

RAJIV SAHAI ENDLAW, J

MAY 27, 2016

‘gsr’..