

JSN

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
LEAVE PETITION NO. 250 OF 2016
WITH
NOTICE OF MOTION (L) NO. 2548 OF 2016
IN
SUIT NO. 879 OF 2016

IPCA Laboratories Limited and Another ...Plaintiffs
Versus
Vasu Organics Private Limited and Another ...Defendants

Mr. M. Andhariya, i/b Krishna and Saurastri Associates for the
Plaintiffs.
Mr. Rohan Sawant, i/b Mahesh A. Mahadgut for the Defendant No.1.

CORAM: G.S. PATEL, J
DATED: 22nd November 2016

PC:-

1. By consent, Leave Petition is made absolute in terms of prayer clause (a).
2. Parties are agreed that the dispute can be settled and the suit and motion disposed of by the following consent order.

3. The Plaintiffs mark is 'HYQ'. The Defendants appears to have adopted the rival marks 'HQ', 'HQ-200' and 'HQ-400'. Both sets of marks are used in respect of the same pharmaceutical formulations.
4. Parties are agreed that the Defendants will change their mark to 'VOHQ'. The Plaintiffs are agreeable to this.
5. The Suit will be decreed in these terms against the Defendants, subject to the Defendants being allowed till 5th May 2017 to dispose of all existing stocks and inventories. The Defendants agree and undertake that they will not manufacture or produce any pharmaceuticals under the offending mark 'HQ' with or without any suffix from 1st December 2016 onwards.
6. The Suit is disposed of in these terms with no order as to costs.
7. Refund of Court Fees, if any, in accordance with law.
8. Drawn up decree is dispensed with.

(G. S. PATEL, J.)