

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30.03.2016

CORAM

THE HON'BLE MR.SANJAY KISHAN KAUL, CHIEF JUSTICE

and

THE HON'BLE MR. JUSTICE M.M.SUNDRESH

C.S.No.609 of 2014

Sun Pharma Laboratories Limited

187, St. Mary's Road,

Alwarpet, Chennai 600 018.

represented by its Authorised Signatory

Mr.Chandra Nahata

... Plaintiff

versus

Psycoremedies Ltd.,

227, Civil Street,

Rani Jhansi Road,

Ludhiana 141001

Punjab and Manufacturing Unit at

Village Latton Dana,

Ludhiana – Chandigarh Highway,

Ludhiana 141 001.

Punjab

... Defendant

C.S.No.609 of 2014: Civil Suit filed under Order IV Rule 1 of O.S.Rules and Order VII Rule 1 of CPC r/w Sections 27, 28, 29, 134 and 135 of the Trade Marks Act, 1999 praying for the relief as stated in the plaint.

For Plaintiff .. Mr.Arun C.Mohan
For Defendant .. Mr.P.C.N.Raghupathy

J U D G M E N T

(Judgement of the Court was delivered by The Hon'ble Chief Justice)

At joint request of parties, the Civil Suit filed has been called and the memo of compromise entered into inter se parties filed in Court is taken on record.

2. In terms of the Memo of Compromise dated 30.03.2016, filed under Order XXII Rule 1 of Code of Civil Procedure, all disputes and differences inter se the parties stand resolved. The defendant has declared that they have stopped using the Trade mark SYZOPIN or any mark similar or deceptively similar thereto and do not have any pharmaceutical stock preparations thereof, the last batch being No.8761. The defendant company also have stated that they do not have any package material, sales literatures etc., under that Trade Mark and if the same is found, it will be destroyed and undertaking is given by the defendant to withdraw the Trade Mark application vide No.2790914 in Class-5, for which confirmation

will be given with advance notice to the plaintiff within 30 days and they will file an undertaking not to file any future applications for registration of the Trade Mark of SIZOPIN.

3.The undertaking given is accepted and the defendant shall remain bound by the undertaking.

4. In addition to the undertaking to stop using the disputed Mark in future, the plaintiff company agree and accept that they have no objection for the use of Mark SIZOPIN by the defendant. The plaintiff also have given up the other relief sought in paragraph-22(c)(d)(e) and (f) of the plaint.

5. The Memo of compromise is marked as "Ex.A" and a compromise decree is passed in terms of the same, leaving the parties to bear their own costs.

(S.K.K.,CJ.) (M.M.S.,J.)
30.03.2016

Index:yes/no
Internet:yes/no
ksr

The Hon'ble The Chief Justice
and
M.M.Sundresh, J.

(ksr)

C.S.No.609 of 2014

30.03.2016

and Plaintiff in C.S.No.609 of 2014
and Defendant in C.S.No.609 of 2014

C.S.No.609 of 2014: Civil Suit filed under Order IV Rule 1 of O.S.Rules and Order VII Rule 1 of CPC r/w Sections 27, 28, 29, 134 and 135 of the Trade Marks Act, 1999.

6. O.S.A.Nos.104 and 105 of 2015: We had concluded hearing in this matter on 16.02.2016. Learned counsel for the parties thereafter made endeavour to settle the suit itself. With the assistance of the learned counsel for the parties, the Memo of Compromise has been filed in the suit. We appreciate the endeavour of the counsels for the parties to resolve the main dispute itself.

In view of the Civil Suit having been decreed in terms of the compromise, the appeals against the interlocutory order have become infructuous and they are accordingly disposed of, leaving the parties to

bear their own costs.

We had concluded hearing in this matter on 16.02.2016. Learned counsel for the parties thereafter made an endeavour to settle the suit itself. With the assistance of the learned counsel for the parties, the Memo of Compromise has been filed in the suit. We appreciate the endeavour of the counsels for the parties to resolve the main dispute itself.

2. In view of the Civil Suit having been decreed in terms of the compromise, the appeals against the interlocutory order have become infructuous and they are accordingly disposed of, leaving the parties to bear their own costs.

(S.K.K.,CJ.) (M.M.S.,J.)
30.03.2016

Index:yes/no
Internet:yes/no
ksr

O.S.A.Nos.104 and 105 of 2015: Appeals filed under Order 36 Rule 11 of Original Side Rules r/w Clause 15 of Letters Patent, against the Common Order dated 01.06.2015 made in A.No.7504 of 2014 in O.A.No.748 of 2015 in C.S.No.609 of 2014, on the file of this Court.

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