

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(ORDINARY ORIGINAL CIVIL JURISDICTION)

THURSDAY, THE 16TH DAY OF JUNE 2016

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

O.A.Nos.30 and 31 of 2013

in

A.No.204 of 2013

in

C.S.No.24 of 2013

Cadila Healthcare Limited
a Company registered under the
provisions of the Companies Act, 1956
and having its registered office at
'Zydus Tower', Satellite Cross Road,
Ahmedabad – 380 015
And having Branch Office at
First Floor, New No.24, Old No.16,
Dr.Subbarayan Nagar,
4th Street, Kodambakkam,
Chennai- 600 024
Represented by General Manager (Legal),
Mr.Mehul A.Pathak

....Applicant/Plaintiff
(in all applications)

-Versus-

M/s.TCF Pharma Lab Pvt.Ltd.
F-4, Annanagar East,
Chennai- 600 102
Tamilnadu.

.... Respondent/Defendant
(in all applications)

O.A.No.30 of 2013:

Original Application praying that this Hon'ble Court be pleased to grant an interim injunction, restraining by an order of perpetual injunction, the Respondent, its Directors, their employees, agents, stockists, dealers or others directly or indirectly involved, from in any manner using in relation to any medicinal or pharmaceutical preparation, in manufacturing or marketing the pharmaceutical product bearing the trademark LEVOZYNE or any other trademark which is deceptively or confusingly similar to the Applicant's registered Trade Mark LEVODAY No.1023745 in Class 05 pending disposal of the above suit.

O.A.No.31 of 2013:

Original Application praying that this Hon'ble Court be pleased to grant an interim injunction, restraining the Respondent, by themselves, their servants, agents, men or anyone claiming through them from manufacturing, marketing, distributing, offering or advertising for sale any pharmaceutical preparation using the Trade Mark LEVOZYNE or any other name which is in any way phonetically or deceptively similar to the Applicants Trade Mark LEVODAY and pass off their pharmaceutical preparation as the pharmaceutical preparation of the Applicants or enable others to pass off in any manner pending disposal of the above suit.

These Original Applications coming on this day before this court for hearing, the Court made the following order:

This Application has been filed seeking an order of interim injunction against the Respondent/Defendant on the ground of infringement to the Applicant's Registered trademark 'LEVODAY' and passing off.

2.Learned counsel for the Applicant submits that the Applicant's Trademark 'LEVODAY' is a registered one. The respondent is permitted to market their product under the trade name 'LEVOZYNE' which is deceptively similar to the trademark of the Applicant Company. Passing off is also made out as the Applicant being the prior user.

3.Considering the submissions made and taking into account the nature of the fact that the respondent has not chosen to appear, there shall be an order of interim injunction.

Sd./-M.M.S.J
16.06.2016

//Certified to be true copy//

Dated at Madras this the day of 2021.

COURT OFFICER(O.S.)

From 25th Day of September 2008 the Registry is issuing certified copies of the Orders/Judgments/Decrees in this format.

jj 29/11.2021