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

+ **FAO 197/2015 & CM APPL.11339/2015, 11341/2015**

M/S MOREPEN LABORATORIES LTD Appellant

Through: **Mr. Sushant Singh, Advocate with
Mr. Varun Arora, Adv.**

versus

M/S RUSSIAN REMEDIES Respondent

Through: **Mr. Sumit Rajput, Advocate with
Mr. Saurabha Chadda, Adv.**

CORAM:

HON'BLE MR. JUSTICE V.K. SHALI

ORDER

% 18.05.2016

1. Both the learned counsel for the parties have arrived at a settlement pursuant to which it has been stated by the learned counsel for the respondent on instructions that he has no objection to the restoration of the interim order granted to the appellant at the ex-parte stage against the respondent which was vacated by the learned trial Court vide order dated 07.10.2014. It has been further stated by him that the trial Court may be directed to dispose of the main matter after recording of evidence as expeditiously as possible.

2. The learned counsel for the appellant has accepted the offer and has stated that the present appeal may be treated as disposed of in terms of the statement made by the learned counsel for the respondent as a consequence of which the trade mark DABGEL, which is being used by the

respondent/defendant herein shall be stopped till the disposal of the suit. It has also been agreed by the learned counsel for the appellant that the matter may be proceeded further and the order dated 07.10.2014 shall stand modified in the light of the statement made by the learned counsel for the parties.

3. Having regard to the submissions made by the learned counsel for the parties at the Bar, the order dated 07.10.2014 is set aside with the direction that the respondent shall not manufacture any medicinal produce by the brand name DABGEL, which is similar or deceptively similar to the brand name or the trade jacket being manufactured by the appellant, during the pendency of the appeal as was ordered by the learned trial Court at the stage of passing of an ex-parte order.

4. The learned trial Court shall proceed ahead with the matter to record with the evidence and dispose of the main matter.

5. A copy of the order be given Dasti to the learned counsel for the parties. A copy of the order be sent to the trial Court for information and compliance.

6. With these directions the appeal stands disposed of.

7. Parties to appear before the trial court on the date fixed.

V.K. SHALI, J.

MAY 18, 2016
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