

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
SUIT NO.1020 OF 2016
WITH
NOTICE OF MOTION NO.119 OF 2017**

Ajanta Pharma Ltd.)....Plaintiff
V/s.
Dharma Distributors & Anr.)....Defendants

Mr.Ashutosh Kane a/w Ms.Anusha Ramanathan i/by W.S.Kane &
Co. for plaintiff.
Mr.R.H.Gajria i/by Gajria & Co. for defendants.

**CORAM : K.R.SHRIRAM,J
DATE : 14.7.2017**

P.C.:-

1 Both the counsel for the parties state that the suit has been amicably settled and tender Minutes of the Order signed by the counsel for the plaintiff and counsel for the defendants dated 14.7.2017. The same is taken on record and marked 'X' for identification.

2 Order in terms of Minutes of the Order which reads as under :-

1. *The Defendants agree and undertake not to use the impugned packaging shown at Exhibit "J" to the Plaint as also any other packaging which is deceptively similar to the Plaintiff's artistic packaging shown at Exhibits "A-1" and "A-2" to the Plaint and/or any other work/ packaging which is a reproduction of*

the artistic work comprised in the Plaintiff's registered artistic packaging bearing Nos. A-90918/2011 and A-111072/2014 shown at Exhibits "B-1" and "B-2" to the Plaintiff.

2. *The Defendants state that they have not made and shall not make any application for registration of the impugned packaging shown at Exhibit "J" to the Plaintiff or any other packaging deceptively similar to the Plaintiff's packaging shown at Exhibits "A-1" and "A-2" to the Plaintiff under the Trade Marks Act, 1999 and/or under the Copyright Act, 1957.*

3. *The Defendants agree and undertake not to use and/or register any trade mark identical with/ deceptively similar to the Plaintiff's registered trade mark TADALIS-SX and/or the Plaintiff's trade marks as more particularly contained in Exhibit "I" to the plaintiff. However, the Defendants shall be entitled to use the word mark TADAGA in relation to medicinal and pharmaceutical preparations.*

4. *In view of the above, the Plaintiff does not press for any other relief.*

3 Suit accordingly stands disposed. Notice of Motion No.119 of 2017 also stands disposed. All interim orders also stand vacated.

(K.R.SHRIRAM,J)