

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
IN ITS COMMERCIAL DIVISION
SUIT (L) NO.143 OF 2018
WITH
NOTICE OF MOTION (L) NO.226 OF 2018**

Sun Pharmaceuticals Industries Ltd. ... Plaintiff
versus
Glide Chem Pvt. Ltd. and Anr. ... Defendants

Mr. Ashutosh Kane with Ms. Nadine Kolliyil i/by M/s. W.S.Kane and Co., for Plaintiff.

Mr. B.N.Poojari i/by M/s. Asian Patent Law, for Defendant Nos.1 and 2.

Mr. Prashant Mule, authorized signatory of Plaintiff present.

Mr. Bhuvan Shah, Director of Defendant No.1 present.

Director of Defendant No.2 present.

CORAM: S.J. KATHAWALLA, J.

DATE: 7th MARCH, 2018

P.C.:

1. The Director of Defendant No.2 is present in Court. He states that he was only marketing the ointment 'NALINI' and has now stopped marketing the same. He also undertakes not to market the same in future. The undertaking is accepted. In view thereof, the Suit is decreed in terms of prayer clauses (a), (b), (c) and (e) which are reproduced hereunder :

“(a) that the Defendants by themselves, their directors, agents, servants, stockists, dealers, distributors, and all persons claiming through them be restrained by a permanent order and injunction of this Hon'ble Court from infringing the Plaintiff's registered trade

marks containing the word VOLINI and bearing the registration numbers 609904, 1425776, 1573439, 1758936, 1720586, 1720587, 1720588, 1720589, 1720590, 1720591, 1720592, 1720593, 1720594, 1913978, 2108148, 2108149, 2108150, 2569295 and 2569296 by the use of the impugned trade mark NALINI or the trade mark at Exhibit V to the Plaint or any other trade mark deceptively similar to the Plaintiff's aforesaid registered trade marks in respect of medicinal and pharmaceuticals preparations and/or similar goods or in any other manner whatsoever;

(b) that the Defendants by themselves, their directors, agents, servants, stockists, dealers, distributors, and all persons claiming through them be restrained by a permanent order and injunction of this Hon'ble Court from infringing the Plaintiff's copyright in its artistic works shown in paragraph 4 of the Plaint or the work registered under No.A-107710/2013 and shown in Exhibit C hereto, by reproducing and/or publishing and/or communicating to the public and/or adapting and/or using the impugned work shown at Exhibit V to the Plaint or by reproducing and/or publishing and/or using any other work which is a reproduction of the Plaintiff's artistic works shown in paragraph 4 of the Plaint or the work registered under No.A-107710/2013 and shown in Exhibit C hereto and/or substantial part thereof or in any other manner whatsoever;

(c) that the Defendants by themselves, their directors, agents, servants, stockists, dealers, distributors, and all persons claiming through them be restrained by a permanent order and injunction of this Hon'ble Court from manufacturing, marketing, selling, trading in, advertising or otherwise dealing in medicinal or pharmaceuticals

preparations or similar goods bearing the impugned trade mark NALINI or the trade mark at Exhibit V to the Plaint or any other trade mark deceptively similar to the Plaintiff's well known trade marks containing the word VOLINI or at Exhibit F hereto or any other trade mark or packaging deceptively similar to the Plaintiff's aforesaid well known trade marks or packaging, so as to pass off or enable others to pass off the Defendants' impugned goods as and for the Plaintiff's well known goods or in any other manner whatsoever;
(e) that the Defendants be ordered and directed to deliver up to the Plaintiff for destruction all goods and materials bearing the impugned trade mark NALINI and the impugned packaging;"

2. In view of this order, the learned Advocate for the Plaintiff is not pressing for any costs/damages. The above Suit is accordingly disposed of. Refund of Court Fees, if any, as per rules. Notice of Motion (L) No.226 of 2018 also stands disposed of.

3. The Court Receiver is discharged without passing accounts, but upon payment of his costs, charges and expenses by the Plaintiff within a period of two weeks from today.

(S.J.KATHAWALLA,J.)