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

+ **FAO 139/2018 & CM No.14704/2018**

M/S MORINGO ORGANICS PVT LTD

..... Appellant

Through: Mr. P.D. Gupta, Sr. Advocate with
Mr. Dhruvajit, Mr. Dinesh Sabharwal
and Mr. Ankit Parashad, Advs.

versus

KUDOS AYURVEDA PVT LTD & ORS

..... Respondents

Through: Mr. Mohan Vidhani and Ms. Purva
Chugh, Advs.

CORAM:

HON'BLE MR. JUSTICE VINOD GOEL

ORDER

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26.11.2018

1. The impugned order dated 16.02.2018 passed by the Court of learned ADJ-02, Dwarka Courts, New Delhi dismissing the application under Order XXXIX Rule 1 and 2 of the Code of Civil Procedure 1908 (CPC) of the appellant/plaintiff, is the subject matter of challenge in this appeal.
2. After hearing the learned counsel for the parties, this Court has passed the following interim order on 22.05.2018:-

“In view of the above, till further orders, the respondents would be permitted to sell their products in terms of the first option for Kudos Moringa Plus tablets. About Moringa Shallaki – option I in red bottles stands accepted and compromised between the parties.

The learned counsel for the respondents state that they

have an inventory of about 15,000 bottles of the aforesaid products under the previous labels and in different colours of bottles. The learned Senior Counsel for the appellant submits that the same may be disposed off but no further production be undertaken except as per the approved label of Kudos Moringa Shellaki Tablets and Kudos Moringa Plus Tablets, as agreed and existing inventory of two products within six months.”

3. The learned Senior Counsel for the appellant and learned counsel for the respondent submit that the appeal may be disposed of in terms of order dated 22.05.2018.
4. In the circumstances, the order dated 22.05.2018 is made absolute.
5. Nothing said and observed in order shall tantamount to an opinion on merits of the case.
6. Compliance report with regard to the disposal of 15,000 bottles as mentioned above shall be filed by the respondent/defendant in the Trial Court, within four weeks.
7. The appeal along with application being CM No.14704/2018 stands disposed of accordingly.

VINOD GOEL, J.

NOVEMBER 26, 2018

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