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

+ **CS(COMM) 892/2018 & I.A. 6947/2018**

MACLEODS PHARMACEUTICALS LIMITED Plaintiff

Through: **Ms.Archana Sahadeva, Advocate with
Mr.Himanshu Ranvah, AR of plaintiff**

versus

NAVA HEALTH PVT. LTD. & ORS Defendants

Through: **Mr.Navin Kumar, Advocate for D-1
Mr.Sachin Gupta and Ms.Jyoti
Mehra, Advocates for D-2**

CORAM:

HON'BLE MR. JUSTICE J.R. MIDHA

ORDER

% **28.11.2018**

1. Mrs. Vani Suri, Director of defendant No.1 and Mr.S.N. Maheshwari, Authorised Representative of defendant No.2 are present in Court with their respective counsels and they have no objection to the suit being decreed against them in respect of prayer 76(a) of the plaint.
2. In view of the statement made by the defendants today, the suit is decreed against all the defendants in respect of prayer 76(a) of the plaint.
3. With respect to prayer 76(c), learned counsel for the defendant No.1 submits that defendant No.1 has already destroyed the products with the impugned trademark as well as the packing, moulds, dyes, blocks, bottles, publicity materials, sign boards, stationery etc. Let an affidavit be filed by the defendant No.1 giving the particulars of the said destruction.
4. Learned counsel for the plaintiff does not press for prayer 76(b) subject to the cost of litigation of Rs.6,00,000/- incurred by the plaintiff to be awarded to the plaintiff.

5. Learned counsel for defendant No.1 agrees to pay the cost of Rs.2,00,000/- to the plaintiff within four weeks which is acceptable to the plaintiff. Let the cost of litigation of Rs.2,00,000/- be paid by defendant No.1 to plaintiff within four weeks.
6. Learned counsel for the plaintiff seeks refund of the Court fees. The Registry is directed to issue a certificate to the plaintiff for refund of entire Court Fee from the Collector.
7. The suit is disposed of in the above terms. Pending application is disposed of.
8. Copy of this order be given *dasti* to counsels for the parties under signatures of the Court Master.

J.R. MIDHA, J.

NOVEMBER 28, 2018
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