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

+ **CS(COMM) 419/2017**

CIPLA LIMITED

..... Plaintiff

Through Ms.Tusha Malhotra and Ms.Pankhuri
Malik, Advs.

versus

MR. ARUN KUMAR JAIN & ORS

..... Defendants

Through Mr.Dushyant K.Mahant, Mr.Neeraj
Sharma and Mr.Mukul Sinha,
Advocates.

CORAM:

HON'BLE MR. JUSTICE JAYANT NATH

ORDER

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10.09.2018

IA No.8575/2018

This application is filed under Order 6 Rule 17 CPC for amendment of the plaint.

By this amendment, the plaintiff seeks to amend the prayer clause of the plaint. As the learned counsel appearing for defendants No.1 and 2 does not oppose the present application, the same is allowed.

Amended plaint is taken on record.

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As far as the plaintiff and defendants No.1 and 2 are concerned, they have entered into a settlement agreement before the Delhi High Court Mediation and Conciliation Centre, New Delhi on 01.06.2018. The terms and conditions of the settlement agreement dated 01.06.2018 are legal and valid. The terms and conditions of the said settlement agreement are stated

in paras (i) to (xi) of the Settlement Agreement. The parties shall remain bound by the terms and conditions of the settlement agreement.

Accordingly, a decree is passed in favour of the plaintiff and against defendants No.1 and 2 in terms of para (i) to (xi) of the Settlement Agreement. As far as defendants No.3 and 4 are concerned, they have filed their written statement. They have stated in their written statement that defendant No.4 company- Cipla Gold Rehab Pvt. Ltd. was formed on 01.09.2011. It is further stated that defendant No.4 never entered into its business of any kind and defendant No.4 company is defunct and is not in existence. It is further stated that defendants No.3 and 4 had never adopted the identical trademark CIPLA or CIPLA GOLD and never did any business of similar products as of the plaintiff. None is appearing for defendants No.3 and 4. They are proceeded *ex parte*. It is clear that they admit the rights of the plaintiff to the trade mark CIPLA.

In view of the statement made in the written statement, the suit is decreed in favour of the plaintiff and against defendants No.3 and 4 in terms of prayer para 68(i), (ii), (iii) and (iv) of the amended plaint. Defendants No.3 and 4 will take steps as per law to have the name of defendant No.4 company changed in consonance with present order expeditiously. Copy of this order be sent to the concerned ROC.

The suit stands disposed of.

JAYANT NATH, J.

SEPTEMBER 10, 2018/v