

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION**

CONTEMPT PETITION NO.91 OF 2014

IN

SUIT NO.411 OF 2014

Wockhardt Limited)....Petitioner

V/s.

Zota Health Care Limited)....Respondents

Ms.Nidhi Singh I/by Vidhi Partners for petitioner.
None for respondents.

**CORAM : K.R.SHRIRAM,J
DATE : 12.6.2019**

P.C.:-

1. Ms.Singh for petitioner states that a breach of the order dated 30.4.2014 is committed because respondents had given an undertaking to this court that they shall remove the tablets from the present packaging which bears the impugned mark PODOXIM and shall repack the same in new packaging without using the mark PODOXIM and/or any other mark similar or deceptively similar thereto and dispose of the same.

2. Admittedly the order does not mention the time framed by which tablets will be removed from the present packaging. Ms.Singh

relies upon an invoice of one Seva Medical in Murshidabad, West Bengal dated 23.8.2014 and photo copy of the tablet strips copy whereof is at Exh.G to the petition to state that even on 23.8.2014, the products of defendants with the impugned marked were still being sold. Even if I accept Ms.Singh's words for a moment, she fairly states subsequently they have not found any other infringement from respondents.

3. In the circumstances, I am not inclined to issue notice for contempt to respondents. Petition dismissed.

4. Petitioner may however, approach the court if they find out any further breach after 2014 by respondents.

(K.R.SHRIRAM,J)