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

+ **FAO(OS) (COMM) 172/2019 & CM APPL. 32960-32962/2019**

SAHRUDYA HEALTH CARE PVT LTD Appellant

Through **Mr. G. Raj Kumar and Ms. Vamsu
Lathatulasi, AR of the appellant**

versus

MAX HEALTHCARE INSTITUTE LTD Respondent

Through **Mr. Raunaq Kamath, Mr. Aditya
Gupta and Ms. Kaveri Jain,
Advocates
Mr. Anurag Mangla, Advocate for R-2**

CORAM:

HON'BLE MS. JUSTICE HIMA KOHLI

HON'BLE MS. JUSTICE ASHA MENON

ORDER

% 30.07.2019

1. This order is in continuation of the order dated 23.07.2019, on which date, a limited notice was issued to the respondent on the submission made by the counsel for the appellant/defendant that the appellant is ready to accept the impugned judgment, but would require a reasonable time to approach different Authorities/Agencies for change/amendment of the existing licences issued in its favour, for change of the name of its medical services from 'MAXCURE HOSPITALS' to "MEDICOVER".

2. Though service on the respondent/plaintiff is awaited, learned counsel enters appearance on behalf of the respondent and states that his client has

no objection if the appellant is granted a reasonable time of 3 months, as mentioned in the order dated 23.07.2019, to enable it to change the name of its medical services to “MEDICOVER” and for consequential amendment of the existing licences issued in its favour by several Authorities/Agencies.

3. Learned counsel for the appellant states that while it was for the appellant to have submitted applications to various Authorities/Agencies for change/amendment of the existing licences, which it has done, issuance of necessary NOCs by the said Authorities/Agencies is not in the control of the appellant. In so far as change of name of the medical services to “MEDICOVER” is concerned, it is stated that the appellant has taken all necessary steps to do so in the public domain and whatever is left to be done, shall also be wrapped up within one month from today.

4. The appellant shall also take necessary steps to approach all the Companies/Govt. Sector undertakings etc. where it is empanelled for rendering medical services and intimate them about the change of its name from ‘MAXCURE HOSPITALS’ to ‘MEDICOVER’, at the earliest and in any event within 3 months from today, so that they can pass appropriate orders, as may be required.

5. To secure the interest of the respondent/plaintiff, it is deemed appropriate to direct the Director/Senior ranking officer of the appellant to file an affidavit furnishing *inter alia*, the details of the steps taken for change of the name of the appellant from ‘MAXCURE HOSPITALS’ to ‘MEDICOVER’, including details of the applications submitted to different Authorities/Agencies. Needful shall be done on or before 13.09.2019.

6. Learned counsel for the respondent submits that there are other pending disputes between the parties relating to 27 trademark applications filed by the appellant before the Registrar of Trade Marks, as detailed in para 24 of the plaint (at page 73).

7. Learned counsel for the appellant submits on instructions that since the appellant has decided not to use the name, 'MAXCURE HOSPITALS', immediate steps shall be taken to approach the Registrar of Trade Marks for withdrawing the applications mentioned in para 24 of the plaint and any other similar application that may have been filed by the appellant before other Authorities. He adds that the appellant is in the process of changing existing domain name of the appellant, *www.maxcurehospoitals.com* and the changed domain name shall be stated in the affidavit, directed to be filed as above.

8. Learned counsel for the respondent submits that in view of the agreement arrived at and recorded hereinabove, the respondent shall not to press the contempt petition filed against the appellant claiming non compliance of the order dated 20.07.2016 and the said petition shall be withdrawn immediately after the appellant files the affidavit of compliance, on or before 13.09.2019. He further submits that in view of the aforesaid settlement arrived at between the parties, the suit instituted by the respondent against the appellant and pending on the Original Side of this Court, registered as CS (Comm.)No.866/2016, may be decreed, limited to prayers A and B. He states that they do not wish to press the reliefs at prayers C and D. Learned counsel for the appellant/defendant has no

objection to the said request.

9. Accordingly, CS (Comm.)No.866/2016 is decreed in terms of the reliefs at prayers A and B of the plaint. Decree sheet shall be drawn in terms of the consent order passed above.

10. Both, the present appeal and the suit are disposed of on the above terms, alongwith the pending applications, while leaving the parties to bear their own costs.

HIMA KOHLI, J

ASHA MENON, J

JULY 30, 2019/rr