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IN THE HIGH COURT OF DELHI AT NEW DELHI

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CS(COMM) 1106/2018 & I.A. 12161/2018

M/S THE SIDHPUR SAT-ISABGOL FACTORY Plaintiff

Through Ms. Nancy Roy, Advocate

versus

MR. RAMESH TRADING AS JOHNSON

AND SMITH CO.

..... Defendant

Through Ms. Charu Mehta, Advocate

CORAM:**HON'BLE MR. JUSTICE MANMOHAN****ORDER**

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13.03.2019

Present suit has been filed for permanent injunction and damages on account of infringement of trademark, copyright, passing off and unfair trade practice.

This Court vide a detailed ex-parte ad interim injunction order dated 11th September, 2018 had restrained the defendant from manufacturing, selling, marketing, advertising or in any manner using and/or allowing or permitting third parties to manufacture, market, advertise or use the offending/impugned packaging.

The plaintiff's packaging and the defendant's packaging is reproduced hereinbelow:-



Today, learned counsel for defendant states that the defendant shall sell its products under a new packaging. The revised packaging handed over in Court by learned counsel for defendant is reproduced hereinbelow:-

SAT-ISABGOL, a natural vegetable product, is derived from Isabgol seeds by milling process. It is the upper coating of *Plantago ovata* (Isapgul) which is highly purified by sieving and winnowing.

Dosage: 5-10g (1-2 Table spoonful) of **SAT-ISABGOL** can be taken according to your need with a glass of water, milk, fruit, juice, salted curd or lassi.

५ से १० ग्राम (१-२ चम्मच) तक **सत-ईसबगोल** निजी आवश्यकता अनुसार एक स्नाय पानी, शरबत, दूध, फ्रूट जूस, लसूनी वही अथवा लस्सी के साथ लिया जा सकता है।



SAT-ISABGOL
सत-ईसबगोल
PSYLLIUM HUSK!

PREMIUM QUALITY

EFFECTIVE & SMOOTH

Mfg. Lic. No.: AUS-680
Net Weight : 200g
Batch No. : [REDACTED]
Mfg. Date : [REDACTED]
M.R.P. ₹ : [REDACTED]
(Inclusive of all taxes)

Best before 18 months from the date of manufacture

Storage: Store in dry place away from moisture.



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Made in India by : **JS**
B-48, III Stage, Peenya Industrial Estate, Bangalore - 560 058.

Get in Touch
Consumer Care: +919916662098
Email: json7404@gmail.com

Learned counsel for the plaintiff states that in view of the defendant's undertaking to adopt the aforesaid new packaging, the plaintiff does not wish to press for any other or further relief. She, however, prays that the court fees paid by the plaintiff be refunded.

The statement/undertaking given by learned counsel for the defendant is accepted by this Court and the defendant is held bound by the same.

Consequently, present suit is decreed in view of aforesaid statement/undertaking. Registry is directed to prepare a decree sheet accordingly.

Registry is also directed to issue to the plaintiff a certificate authorizing him/her to receive back from the Collector full amount of the Court fee paid by it in the present suit.

With the aforesaid directions, present suit and pending application stand disposed of. The interim order 11th September, 2018 stands modified.

MANMOHAN, J

MARCH 13, 2019

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