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IN THE HIGH COURT OF DELHI AT NEW DELHI

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CS(COMM) 153/2020

DR. REDDY'S LABORATORIES LIMITE

.....Plaintiff

Through

Mr. Ranjan Narula with Mr. Shashi P.
Ojha, Advs.

versus

RLIFESPAN DIAGNOSTICS PRIVATE LTD.

.....Defendant

Through

Mr. Aakaash Rajput, Director of the
Defendant company.

CORAM:

HON'BLE MR. JUSTICE RAJIV SHAKDHER

ORDER

09.07.2020

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[Court hearing convened *via* video-conferencing on account of COVID-19]

1. Mr. Narula, who appears for the plaintiff, at the outset, says that defendant no. 2 can be deleted from the array of parties, as the contesting defendant is defendant no. 1 i.e. RLIFESPAN DIAGNOSTICS PRIVATE LTD. [hereafter referred to as the “defendant company”].

1.1 The statement of Mr. Narula is taken on record.

2. Accordingly, defendant no. 2 is deleted from the array of parties.

2.1 Mr. Narula will file an amended memo of parties within three days from today for the sake of completion of record.

3. Pursuant to the last order i.e. order dated 24.06.2020, Mr. Aakaash Rajput has filed an affidavit dated 04.07.2020 on behalf of the defendant company.

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Signature Not Verified

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KUMAR RAY
signing date 10.07.2020
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4. The averments made in the said affidavit are suggestive of the fact that the defendant company has accepted the fact that it had infringed the registered trademark of the plaintiff i.e. “DR. REDDY'S”.

4.1 The affiant also accepts the fact that the defendant company has been carrying on the business of offering diagnostic services, which include pathology, and that it used the plaintiff’s registered trademark in various ways including as a part of its domain name.

4.2 The affiant, however, submits that once he was put to notice by the plaintiff, the defendant company stopped, almost instantaneously, the use of the plaintiff’s registered trademark.

4.3 The affiant further avers that the defendant company does not have any offending label in its stock at present.

5. I may note that the affiant i.e. Mr. Aakaash Rajput has been participating in the video-conferencing proceedings right from the inception i.e. when the summons in the suit were issued on 03.06.2020.

5.1 Mr. Rajput has joined the proceedings today as well.

6. Mr. Rajput says that he would have no difficulty, if the Court were to decree the suit in terms of the relief sought for by the plaintiff in prayer clause 37 (i) to (iii).

6.1 Mr. Rajput further says that since the infringement occurred on account of a mistake committed by the defendant company, the plaintiff should not press other reliefs sought for in prayer clause 37.

7. Mr. Narula says that the plaintiff would be satisfied if the suit is decreed in terms of prayer clause 37 (i) to (iii).

7.1 The statement of Mr. Narula is taken on record.

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8. Having heard Mr. Narula and Mr. Rajput and what is stated by the affiant i.e. Mr. Rajput in his affidavit dated 04.07.2020, the suit is decreed in terms of prayer clause 37 (i) to (iii).

8.1 Since remaining reliefs are not pressed by Mr. Narula, no orders are passed *qua* the same.

9. The suit is disposed of in the aforesaid terms.

9.1 Resultantly, the pending application shall also stand closed.

10. The Registry is directed to draw up a decree in the aforesaid terms.

RAJIV SHAKDHER, J

JULY 09, 2020

pmc/KK

[Click here to check corrigendum, if any](#)

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