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

+ **CS(COMM) 244/2020 & I.A.NO. 5339/2020**

DR REDDYS LABORATORIES LIMITEDPlaintiff

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

versus

MARTIN AND BROWN BIO-SCIENCESDefendant

Through Mr. R.D. Singh, Advs.

CORAM:

HON'BLE MR. JUSTICE RAJIV SHAKDHER

O R D E R

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09.07.2020

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

I.A. No. 5338-41/2020

1. Allowed, subject to the plaintiff curing the deficiencies referred to in the captioned applications within five days of the lockdown *qua* this Court being lifted.

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2. Issue summons in the suit and notice in the captioned application.

2.1 Mr. R.D. Singh accepts service on behalf of the defendant.

3. Ms. Singh says that he will file his *Vakalatnama* within two days.

3.1 However, Mr. Singh submits that he has instructions to convey the Court that the defendant, having realised the error that it has committed in using the registered trademark/label of the plaintiff, is willing to give up its use and, therefore, would be willing to suffer a decree in terms of prayer clause 30 (i) to (iv).

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3.2 Insofar as reliefs sought for in prayer clause 30 (v) to (vii) are concerned, Mr. Singh says that he would leave the same to the wisdom of the Court.

4. Mr. Ranjan Narula, who appears on behalf of the plaintiff, submits likewise.

5. The statements made by the counsel for the parties, which are recorded hereinabove, are taken on record.

6. Accordingly, the suit is decreed in terms of prayer clause 30 (i) to (iv).

7. Resultantly, the defendant will file an affidavit of an authorised representative or its senior employee, indicating therein, the quantum of goods, cartons, labels, dyes, wrapping and other materials bearing the offending trademark, in its custody and possession. The affidavit will also reiterate the statement made by its counsel which is recorded in paragraphs 3.1 and 3.2 above. The affiant will state that the offending trademark affixed on its goods and/or products will be removed/obliterated

7.1 The defendant will file the aforementioned affidavit within one week from today.

7.2 The exercise contemplated in prayer clause 30 (iv) will be completed out within three weeks from today.

8. Insofar as the remaining reliefs are concerned, i.e. those which are set out in prayer clause 37 (v) to (vii), the defendant will pay a consolidated amount of Rs. 2,00,000/- to the plaintiff within two weeks from today.

8.1 The said amount will be transmitted, *albeit*, electronically, to the plaintiff upon necessary particulars being furnished by the plaintiff in that behalf.

9. The suit is disposed of in the aforementioned terms. The pending applications are, consequently, closed.

10. The Registry will draw up the decree accordingly.

RAJIV SHAKDHER, J

JULY 09, 2020

pmc/KK

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

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