

Shephali

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
IN ITS COMMERCIAL DIVISION
COMMERCIAL IP SUIT (L) NO. 16759 OF 2021
WITH
INTERIM APPLICATION (L) NO. 16763 OF 2021
IN
COMMERCIAL IP SUIT (L) NO. 16759 OF 2021
WITH
LEAVE PETITION NO. 260 OF 2021
IN
COMMERCIAL IP SUIT (L) NO. 16759 OF 2021**

Bharat Serums & Vaccines Ltd ...Plaintiff
Versus
Santiago Life Sciences Pvt Ltd & Anr ...Defendants

Ms Poonam Teddu, *with Kaivalya Shetye, i/b Mahesh Mahadgut, for the Plaintiff.*

Mr Ankur Budhrani, *Director of Defendant, present in person.*

SHEPHALI
SANJAY
MORMARE

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SHEPHALI SANJAY
MORMARE
Date: 2021.09.29
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CORAM: G.S. PATEL, J
DATED: 28th September 2021

PC:-

1. The Director of the Defendant is present in Court. He is appearing in person. He states to the Court that he is submitting to a

decree on admission in favour of the Plaintiff and as against Defendant No.1 in terms of prayer clauses (a) and (b). He also confirms that the 2nd Defendant is only a division of the 1st Defendant and is not a separate legal entity. Since the Defendant is present, the Petition for leave under Clause XIV of the Letters Patent is made absolute.

2. The 1st Defendant has already applied for withdrawal of its trade mark application. He agrees not to apply for any mark deceptively similar to the Plaintiff's trade mark and amphonex in future.

3. Defendant No. 1 has goods bearing the impugned mark. These goods last batch No. LY192101B dated 7th June 2021 are permitted to be sold by the 1st Defendant before 25th January 2022. Any impugned goods that remain thereafter are to be destroyed. The 1st Defendant agrees that he will inform the Plaintiff of the stock position within ten days after 25th January 2022.

4. The parties have reduced these terms to a writing. This is taken on record and marked "X" for identification with today's date.

5. The undertakings in this writing are accepted as undertakings to this Court.

6. A soft copy of this writing will be uploaded as the second order in the matter.

7. The Registry is to ensure that the hard copy of this writing is permanently retained on file as part of the record and is not sent for destruction in the ordinary course.

8. Court fees are to be refunded in accordance with the Rules. For the purposes of Section 43 of the Maharashtra Court Fees Act and the proviso to that Section, today's date is the date of making a claim for repayment. The Prothonotary & Senior Master will issue a certificate for a refund of Court Fees computed according to the Rules. He will act on production of an authenticated copy of this order without requiring a separate application.

9. All concerned will act on production of a digitally signed copy of this order.

(G. S. PATEL, J)