

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
IN ITS COMMERCIAL DIVISION**

**INTERIM APPLICATION (L) NO. 11397 OF 2022
WITH
LEAVE PETITION NO. 78 OF 2022
IN
COMMERCIAL IP SUIT (L) NO. 11388 OF 2022**

Sun Pharma Laboratories Limited ... Applicant/Plaintiff

Versus

Hauz Pharma Private Limited & Anr. ... Defendants

Mr. Ashutosh Himanshu Kane, Mr. Kanishk Agarwal i/b W.S. Kane & Co.
for the Plaintiff.
Ms. R.V. Rane, 2nd Asstt. to C.R. present.

CORAM : R.I. CHAGLA, J.

DATED : 7th JUNE, 2022.

ORDER :

1 Heard Mr. Ashutosh Kane, learned Counsel appearing for the Applicant/Plaintiff. He refers to ex-parte ad-interim order dated 05.05.2022 by which this Court had granted ex-parte ad-interim relief in terms of prayer clauses (a) and (c). The Court Receiver was directed to file report within three weeks from the date of the order. Amendment was also permitted to be carried out in terms of the draft amendment

handed in and marked 'X' for identification. Pursuant to the said order, the Applicant/Plaintiff has carried out the amendment in the Suit plaint. The Court Receiver has executed the commission and filed report No.144 of 2022 dated 24.05.2022 which is taken on record. The Defendants have been served during the execution of the Commission.

2 In view thereof, the leave Petition No.78 of 2022 is made absolute in terms of prayer clause (a). The cause of action in passing off is joined with the cause of action of infringement of trade mark. In view of the findings the ex-parte ad-interim order dated 05.05.2022, ad-interim relief in terms of prayer clause (b) of the Interim Application which is for passing off is granted and which reads thus :

(b) that pending the hearing and final disposal of the suit, the Defendants by themselves, their directors, servants, agents, stockists, dealers, distributors and all persons claiming through them be restrained by a temporary order and injunction of this Hon'ble Court from manufacturing and/or marketing and/or selling and/or advertising and/or trading in and/or otherwise dealing in medicinal and pharmaceutical preparations bearing the impugned trade mark "ROZAVAS" and/or any other trade

mark identical with/deceptively similar to the Plaintiff's said well-known trade marks ROSUVAS, ROSUVAS EZ, ROSUVAS F, ROSUVAS D and ROSUVAS CV or any of them so as to pass off or enable others to pass off the Defendants' impugned goods as and for the Plaintiff's said well-known goods or in any other manner whatsoever;

3 List the Interim Application (L) No.11397 of 2022 for hearing on 12.07.2022.

4 The ex-parte ad-interim order dated 05.05.2022 and this ad-interim order is continued till further orders.

5 The Advocate for the Applicant/Plaintiff shall serve copy of this order on the Defendants within a period of one week from the date of this order.

Digitally
signed by
WAISHALI
SUSHIL
WAGHMARE
Date:
2022.06.09
10:57:30
+0530

(R.I. CHAGLA, J.)