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A.No.268 of 2022

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in
C.S.No.470 of 2000

V.BHAVANI SUBBAROYAN.J.

This application is filed to implead “*M/s. Torque Pharmaceuticals Private Limited, C-83, Industrial Area, Phase 7, Mohali, Punjab - 160055, Also at Kapital Care Old No.257/1, New No.481/1, 1st Floor, Sydenhams Road, Appa Rao Garden, Choolai, Chennai - 600 112*” as 3rd defendant in the above suit.

2. It is averred in the affidavit filed in support of this application that the suit was filed against the 1st defendant who manufactures the pharmaceutical products 'ZINCOA' and 2nd defendant who markets the same. The 2nd defendant has filed an application for registration of trademark 'ZINCOA' bearing no.1254774 under Class 5 and the same has been opposed by the applicant / plaintiff. The 2nd defendant filed a memo dated 26.10.2021 before this Court stating that they have entered into an Assignment Deed dated 18.02.2012 with M/s.Torque Pharmaceuticals Private Limited, wherein, 2nd defendant has assigned its rights relating to the use of the mark 'ZINCOA' in favour of M/s.Torque Pharmaceuticals Private Limited.

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3. It is further averred in the affidavit that according to the said memo, M/s.Torque Pharmaceuticals Private Limited is presently using the offending trademark 'ZINCOA'. Hence, it is necessary to implead the said M/s.Torque Pharmaceuticals Private Limited as a defendant in the suit.

4. Since the reasons stated in the affidavit are being satisfied, this application is allowed and the said “*M/s. Torque Pharmaceuticals Private Limited, C-83, Industrial Area, Phase 7, Mohali, Punjab - 160055, Also at Kapital Care Old No.257/1, New No.481/1, 1st Floor, Sydenhams Road, Appa Rao Garden, Choolai, Chennai - 600 112*” is impleaded as 3rd defendant in the suit.

5. The Registry is directed to carry out necessary amendment in the cause title and list the suit on 08.04.2022.

15.03.2022

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