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

+ **CS(COMM) 269/2021 & I.A. 32715/2024**

**FDC LIMITED**

.....Plaintiff

Through: Mr. Prithvi Gulati and Mr. Prithvi  
Gulati, Advs.  
Mob: 8802958896

versus

**TAS MED INDIA PRIVATE LIMITED AND ANR.**

.....Defendants

Through: Mr. Rahul Rajput and Ms. Nishi  
Ranjan, Advocates

**CORAM:**

**HON'BLE MS. JUSTICE MINI PUSHKARNA**

**ORDER**

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**10.07.2024**

**I.A. 32715/2024 (Application under Order XXIII Rule 3 r/w Section 151 of CPC, 1908)**

1. The present joint application has been filed under Order XXIII Rule 3 read with Section 151 of the Code of Civil Procedure, 1908 ("CPC") on behalf of the plaintiff and the defendants.
2. The present suit had been filed by the plaintiff for permanent injunction restraining the defendants, its directors, employees, servants, representatives, affiliates, and agents or any other person claiming under or through them, or acting in concert with them, from committing acts of infringement of trademarks, passing off and other incidental reliefs.



3. By way of the present suit, the plaintiff had sought an injunction against the defendants from manufacturing, marketing and selling pharmaceutical preparations containing the identical API (Cinnarizine) under the marks '**CINZINE**' and '**CINZITAS**' which are deceptively similar to the plaintiff's registered trademark '**CINZAN**'.

4. It is submitted that in order to put an end to the litigation, the plaintiff and defendants have amicably resolved their disputes in terms of the settlement, which are given in Para 6 of the present application.

5. This Court has perused the terms of the settlement arrived at between the parties and finds the same to be lawful. Under the settlement, the defendant no. 1 has undertaken that they have already abandoned their trademark application no. 851011 in Class-5 for the mark '**CINZINE**' and are not pursuing the same.

6. Further, it has been undertaken that the defendants shall not use the marks '**CINZINE**' and/or '**CINZITAS**' or any other mark deceptively similar to the variant of the plaintiff's registered trademark '**CINZAN**' in any manner whatsoever.

7. Accordingly, the present suit is decreed in favour of the plaintiff and against the defendants, in terms of the settlement arrived at between the parties, as reflected in Para 6 of the present application, which shall form part of the decree.

8. The parties shall remain bound by the terms and conditions of the settlement.

9. Accordingly, a decree of permanent injunction is passed restraining the defendants and any other person acting for/on behalf of the defendants from manufacturing, marketing and selling pharmaceutical and medicinal



preparations under the mark '**CINZINE**', '**CINZITAS**' or any other mark deceptively similar to the variant of the plaintiff's registered trademark '**CINZAN**' in any manner whatsoever that would amount to an infringement/passing off of the plaintiff's registered trademark '**CINZAN**'.

10. In view of the fact that the parties have arrived at a compromise, the Registry is directed to issue a certificate for refund of 50% of the Court fee, in favour of the plaintiff.
11. Decree sheet be drawn up.
12. The suit, along with the applications, stands disposed of.

**MINI PUSHKARNA, J**

**JULY 10, 2024**

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