



\$~17

\* **IN THE HIGH COURT OF DELHI AT NEW DELHI**  
+ CS(COMM) 427/2022, I.A. 19206/2022, I.A. 13969/2023, I.A.  
19025/2023 & I.A. 36344/2024

FDC LIMITED

.....Plaintiff

Through: Mr. Prithvi Gulati, Advocate  
Mob: 8802958896

versus

NILRISE PHARMACEUTICALS PVT. LTD. AND ANR.

.....Defendants

Through: Mr. Sanchit Bhushan, Advocate

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

**ORDER**  
**13.08.2024**

%

**I.A. 36344/2024 (Application under Order XXIII Rule 3 read with Section 151 of the Code of Civil Procedure, 1908 ("CPC"))**

1. The present is a joint application under Order XXIII Rule 3 read with Section 151 CPC on behalf of the parties.
2. The present suit was filed on behalf of the plaintiff for permanent injunction restraining the defendants, their partners, directors, etc. from committing acts of infringement of trademarks, passing off, and other incidental reliefs.
3. The plaintiff is the registered proprietor of the trademark 'ZIPOD', which was conceived by the plaintiff in the year 2004 in respect of cefpodoxime based antibiotic and antibacterial preparations.



4. During the course of the present suit, the parties have entered into a settlement agreement, the terms of which, are given in Para 4 of the present application.
5. Learned counsels for the parties, who are present in Court, have confirmed the terms of the settlement and pray that the suit be decreed in terms thereof.
6. The Court has perused the terms of the settlement and finds the same to be lawful.
7. Under the terms of the settlement, the defendant has acknowledged that the plaintiff is the owner and registered proprietor of the trademark 'ZIPOD' under the Trade Marks Act, 1999, as well as under common law.
8. Further, the defendant no. 2 has undertaken that pursuant to the settlement, it shall take steps to cancel their trademark registration bearing no. 3924887 in Class-5 for the mark 'Zoypod', by filing an appropriate form, seeking withdrawal of the trademark before the Trademark Registry.
9. Accordingly, the present suit is decreed in favour of the plaintiff and against the defendants, in terms of the settlement agreement as contained in Para 4 of the present application, which shall form part of the decree.
10. The parties shall remain bound by the terms and conditions of the settlement.
11. The Trademark Registry is directed to expeditiously process the withdrawal application of the defendants.
12. In view of the fact that the parties have arrived at a compromise, Registry is directed to issue a certificate for refund of Court fee to the extent of 50% in favour of the plaintiff.



13. Decree sheet be drawn up.
14. Accordingly, the suit, along with the pending applications, stand disposed of.

**MINI PUSHKARNA, J**

**AUGUST 13, 2024**  
ak