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

+ **CS(COMM) 343/2024 & I.A. No. 49585/2024**

CHEMIE CURE PHARMACEUTICALSPlaintiff

Through: Mr. Deepak Dhyani with Mr. V.K.
Puri, Advocates.

versus

NAVJEEVAN MEDICOS & ORS.Defendants

Through: Ms. Megha Karnwal with Mr.
Aaditya Thorat and Mr. Lalit Rajput,
Advocates for defendant nos. 2 and 3.

CORAM:

HON'BLE MS. JUSTICE MINI PUSHKARNA

ORDER

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24.12.2024

I.A. No. 49585/2024 (Joint application on behalf of plaintiff and defendant nos. 2 and 3)

1. The present is a joint application under Order XXIII, Rule 3 read with Section 151 of the Code of Civil Procedure, 1908 ("CPC") filed on behalf of the plaintiff, defendant no. 2 and defendant no. 3.

2. The present suit has been filed for permanent injunction restraining the defendants to use of the trademark "ARTHACURE" and "DIAROGON" and its packaging which are deceptively similar to plaintiff's trademarks "ARTHAZONE" and "DIREOCURE" and its packaging, thereby resulting in infringement, dilution and tarnishment of plaintiff's trademark.

3. Vide order dated 30th April, 2024, this Court had granted an *ex-parte ad interim* injunction in favour of the plaintiff, thereby, restraining the



defendants from manufacturing, selling, offering for sale, promotion in any media, in any pharmaceutical or medicinal products bearing trade dress, identical or deceptively similar to that of the plaintiff and further restrained from selling any pharmaceutical or medicinal product bearing the packaging of the defendants.

4. Learned counsel appearing for the plaintiff submits that defendant nos. 1 and 4 have already settled their disputes with the plaintiff.

5. It is submitted that with a view to put an end to a potentially long litigation, the plaintiff and defendant nos. 2 and 3 have also decided to amicably resolve their dispute, terms of which, are given in Para 4 of the present application.

6. Learned counsel appearing for the plaintiff as well as defendant nos. 2 and 3 confirm the terms of the settlement, and submit that the suit be decreed in terms of the settlement.

7. This Court has perused the terms of the settlement and finds the same to be lawful.

8. Accordingly, the suit is decreed in favour of the plaintiff and against the defendant nos. 2 and 3, in terms of the settlement, as contained in Para 4 of the application, which shall form part of the decree and in terms of Para 49 (a) to (c) of the plaint.

9. Parties are bound by the terms of the settlement.

10. Let decree sheet be drawn up.

11. In view of the fact that the parties have settled their dispute, the Registry of this Court is directed to issue a certificate of refund of full Court fees in favour of the plaintiff.

12. This Court also takes note of the fact that the plaintiff has already



settled dispute with the defendant nos. 1 and 4.

13. Accordingly, the present suit, along with the pending applications, stands disposed of.

14. The next date of hearing i.e., 17th March, 2025 stands cancelled.

MINI PUSHKARNA, J

DECEMBER 24, 2024

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