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

+ **CS(COMM) 471/2024 & I.A. 30826/2024**

SUN PHARMA LABORATORIES LTD. Plaintiff

Through: Mr. Sachin Gupta, Ms. Prashansa
Singh and Mr. Manan Mondal,
Advocates.

versus

MICROCOSM PHARMA & ORS. Defendants

Through: Mr. Sajad Mir, Proprietor of
Defendant No. 1.

CORAM:

HON'BLE MR. JUSTICE SANJEEV NARULA

ORDER

31.05.2024

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1. Mr. Sachin Gupta, counsel for Plaintiff, states that Defendant No. 1 has provided the detailed statement of stock of the impugned "PEG-MU" products available with them as well as their manufactures/ marketers. In addition, Defendant No. 1 has also supplied copies of letters of authority issued by Defendants No. 1, 2, 3, 4 and 6 in favour of Defendant No. 1, whereby they have undertaken to refrain from manufacturing, selling, or offering for sale, whether directly or indirectly, any medicinal or pharmaceutical preparations under the impugned mark "PEG-MU." Copies of such authority letters have been handed over across the board, and are taken on record.

2. Mr. Gupta submits that they have been informed by Defendant No. 1 that Defendants No. 5 and 7 only manufactured the impugned products on



behalf of Defendant No. 1. Thus, although Defendants No. 5 and 7 have not furnished such an undertaking, as of now, the Plaintiff is willing to give up their claims against Defendants No. 5 and 7. However, the Plaintiff seeks to reserve their right to approach the Court in case of future involvement of Defendants No. 5 and 7 in infringing activities.

3. Mr. Sajad Ahmad Mir, proprietor of Defendant No. 1 in-person, confirms that currently, no stock of the infringing products is stored with Defendant No. 1. All such products, if any, are already in the market. Nonetheless, he states that Defendant No. 1 will abide by the undertaking given to Court on 29th May, 2024 and shall not use the trademark “PEG-MU” or any other mark which is deceptively similar to the Plaintiff’s registered “PEGMOVE” mark.

4. In light of the above, the suit is decreed, binding the Defendants to the statement made by Mr. Sajid Mir, on behalf of Defendants No. 1, 2, 3, 4 and 6, in terms of the authority letters.

5. Plaintiff shall be at liberty to approach the Court against Defendants No. 5 and 7 in case they are found to be indulging in any infringing activity in relation to subject matter of the suit, any time in future.

6. Decree sheet be drawn up.

7. Suit and pending application(s) stand disposed of.

8. Since the suit is being resolved on consent terms, Mr. Gupta’s request for refund of court fee is accepted. Registry is directed to issue a certificate for refund of full court fee in favour of the Plaintiff.

SANJEEV NARULA, J

MAY 31, 2024/d.negi