



\$~38

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

+ **CS(COMM) 464/2019**

HINDUSTAN UNILEVER LIMITED

..... Plaintiff

Through: Mr. Ankur Sangal, Ms. Sucheta Roy
and Mr. Kiratraj Sadana, Advocates.

versus

ZYDUS WELLNESS PRODUCTS LIMITED

..... Defendant

Through: Mr. Sagar Chandra and Ms. Ankita
Seth, Advocates.

CORAM:

HON'BLE MR. JUSTICE SANJEEV NARULA

ORDER

08.01.2024

%

I.A. 324/2024 (under Order XXIII Rule 1 r/w Section 151 of CPC on behalf of Plaintiff)

1. The instant suit was filed in respect of a TV commercial ("TVC") launched by the Defendant, which allegedly disparaged the Plaintiff's product "HORLICKS" through an unfair comparison between Plaintiff's product and Defendant's product.
2. The Plaintiff submits that the TVC is no longer being published or circulated by the Defendant. This aspect is not disputed by counsel for Defendant. In view of the above, and without prejudice to his rights and contentions, counsel for Plaintiff seeks permission to withdraw the present suit.
3. Considering the above, the present application is allowed and



disposed of.

CS(COMM) 464/2019

4. In light of the order passed in I.A. 324/2024, the suit is dismissed as withdrawn under Order XXIII Rule 1 of Code of Civil Procedure, 1908, with liberty to Plaintiff to take appropriate course of action in case the need so arises in future, in respect of a fresh cause of action where any advertisement similar to the one which was subject matter of the present suit is circulated or published.

5. The next date of hearing fixed before the Joint Registrar, i.e., 27th February, 2024 stands cancelled.

SANJEEV NARULA, J

JANUARY 8, 2024

d.negi