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

+ **CS(COMM) 759/2024, I.A. 38448/2024 & I.A. 38453/2024**

PIONEER OVERSEAS CORPORATION

.....Plaintiff

Through: Mr. Pravin Anand, Mr. Shrawan Chopra, Mr. Vibhav Mittal, Mr. Achyut Tewari, Ms. Samya Singh and Mr. Aayus Maheshwari, Advs.
M: 8604633567

versus

M/S EVERCROP AGRO SCIENCE & ANR.

.....Defendants

Through: Mr. Devashish Bharuka, Sr. Adv. with Mr. Vaibhav Choudhary, Adv. for D-1 along with Mr. Rakesh Garg (D-1) in person.
M: 7827935368
Email: vaibhav@yhprumleegal.com
Mr. Sanjiv Sen, Sr. Adv. with Mr. Ujjal Banerjee, Mr. Deepak Mishra and Ms. Anjali Singh, Advs. with Mr. Niranjana Agarwal, AR for D-2
M: 9818537063
Email: Banerjee.ujjal@gmail.com

CORAM:

HON'BLE MS. JUSTICE MINI PUSHKARNA

ORDER

20.09.2024

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1. The present suit has been filed for permanent injunction restraining the defendants and its related parties, from infringement of maize plant varieties 'P3355' and its parent lines 'PH2NGW' and 'PH1B26' and for passing off, damages, rendition of accounts, etc.
2. Learned counsel appearing for the plaintiff has produced the



infringing packaging of the defendants, wherein, the label on the said packaging shows the said product to have been packed and produced for M/s Evercrop Agro Science by Star Agrotech Pvt. Ltd.

3. Pursuant to notice being issued by this Court, learned Senior Counsel has put in appearance before this Court, for defendant no. 2.

4. Learned Senior Counsel appearing for defendant no.2 submits that defendant no.2 has no business relations with defendant no.1, and has never either packed, or produced, or marketed any product, for defendant no.1.

5. Learned Senior Counsel appearing for defendant no.2 further submits that defendant no.2 does not intend to use either the subject hybrid, or the denomination '3355'.

6. The aforesaid statement made by learned Senior Counsel appearing for defendant no.2, upon instructions, is taken note of. The defendant no. 2 is held bound by the said statement.

7. Learned Senior Counsel appearing for defendant no.1, upon instructions from defendant no.1, who is present in Court, acknowledges the right of the plaintiff, in the plaintiff's registered plant variety as well as subject hybrid. Thus, he submits that defendant no.1 shall not use the seed that infringes the plaintiff's registered plant variety PH2NGW (Parent Line), PH1B26 (Parent Line) and P3355 (Subject Hybrid).

8. Learned Senior Counsel appearing for defendant no.1 further submits that defendant no.1 shall not use the denomination of its plant variety P3355, as the same stands registered in favour of the plaintiff.

9. At this stage, learned counsel appearing for the plaintiff submits that he is satisfied with the undertaking and statements given by learned Senior Counsels appearing for the defendants. He further submits, upon



instructions, that in view of the aforesaid statements, the plaintiff gives up its right for costs and damages and other prayers, if prayers (a) and (b) of the plaint, are allowed in favour of the plaintiff.

10. Accordingly, the suit is decreed in favour of the plaintiff and against defendant no.1, in terms of prayer (a) and (b) of paragraph 82 of the plaint.

11. Let decree sheet be drawn up.

12. The present suit is accordingly disposed of, along with the pending applications.

13. The next date of hearing, i.e., 23rd October, 2024, is accordingly cancelled.

MINI PUSHKARNA, J

SEPTEMBER 20, 2024/kr