



2024:DHC:9967-DB



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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
Date of decision: 18.12.2024

+ **FAO (COMM) 241/2024**
SUN PHARMACEUTICAL LABORATORIES LTD

.....Appellant

Through: Mr. Amit Sibal, Sr. Advocate
with Mr. Sachin Gupta, Mr.
Rohit Pradhan, Ms. Prashana
Singh, Mr. Adarsh Agarwal,
Mr. Saksham Dhingra, Mr.
Ankur Vyas and Mr. Ankit
Handa, Advs.

versus

RSPL HELATHCARE P LTD & ANR.Respondents

Through: Mr. Chander M. Lall, Sr.
Advocate with Mr. Shrawan
Kumar Bansal, Mr. Rishi
Bansal, Ms. Ayushi Arora and
Ms. Deesha Mehta, Advs.

CORAM:
HON'BLE MR. JUSTICE NAVIN CHAWLA
HON'BLE MS. JUSTICE SHALINDER KAUR

NAVIN CHAWLA, J. (Oral)

CM APPL. 74097/2024, CM APPL. 74098/2024 & 74099/2024
(Exemptions)

1. Allowed, subject to all just exceptions.
2. The applications stand disposed of.



CM APPL. 74100/2024 (Permission to file Additional Documents)

3. For the reasons stated in the application, the application is allowed.

4. The application stands disposed of.

FAO (COMM) 241/2024 & CM APPL. 74101/2024

5. This appeal has been filed challenging the Order dated 03.12.2024 passed by the learned District Judge (Commercial Courts)-02, (New Delhi District), Patiala House Courts, New Delhi, in CS DJ (COMM) No. 914/2024, granting an *ad-interim ex parte* injunction in favour of the respondent herein and restraining the appellant herein from using the trademark/label '**PRUEASE**' in any form and manner which is identical and/or deceptively and confusingly similar to the respondent's registered trade mark/ label **PRO-EASE** on any goods. The learned Trial Court has also appointed a Local Commissioner to *inter-alia* make an inventory and take into custody all goods, packaging material and other material being the trademark **PRUEASE** from the appellant herein.

6. Issue notice.

7. Notice is accepted by Mr.Shrawan Kumar Bansal, the learned counsel for the respondents.

8. After making some suggestions, the learned senior counsel for the parties submits that, without prejudice to the rights and contentions of the respondents, the Impugned Order may be set aside with the direction to the learned Trial Court to expedite the hearing of the application filed by the respondents under Order XXXIX Rules 1 and 2 of the Civil Procedure Code, 1908 (CPC).



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9. In view of the above, we set aside the Impugned Order and restore the application filed by the respondents under Order XXXIX Rules 1 & 2 of the CPC. The appellant accepts the notice of the said application and shall file a reply to the said application within a period of two weeks from today. Rejoinder, if any, be filed by the respondents within one week of the receipt of the copy of the reply from the appellant.

10. The application shall be listed before the learned Trial Court on 16.01.2025, and the learned Trial Court shall make an endeavour to dispose of the said application within a month thereof.

11. The appeal, along with pending application, is disposed of in the above terms.

NAVIN CHAWLA, J

SHALINDER KAUR, J

DECEMBER 18, 2024

Sg/DG

Click here to check corrigendum, if any