

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
IN ITS COMMERCIAL DIVISION

INTERIM APPLICATION NO.1200 OF 2025
IN
COMMERCIAL IP SUIT NO.265 OF 2025

VISHAL
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Date: 2025.11.10
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Sanofi-Aventis Deutschland Gmbh and Ors.

...Plaintiffs

Versus

Scott-Edil Pharmacia Ltd. and Anr.

...Defendants

Mr. Karan Khiani a/w. Mr. Rohan Lopes i/b. Rashmi Singh, for the Plaintiff.
Mr. Deepak Bhalerao, 2nd Asst. to C.R.

CORAM : SHARMILA U. DESHMUKH, J.

DATE : NOVEMBER 6, 2025

P. C. :

1. By order of 3rd August, 2023 this Court had granted ad-interim relief for infringement of trade mark, copyright and Court Receiver came to be appointed. Subsequently, ad-interim order was executed by the Court Receiver and the Court Receivers Report is placed on record.
2. At that stage as leave under clause XIV of the Letters Patent was not granted, the relief in respect of passing off was not considered. Subsequently, by order dated 5th December, 2024 leave under clause XIV was granted and on 7th January, 2025, the ad-interim relief in respect of passing off action was granted.

3. Learned counsel appearing for the Plaintiff submits that the Defendants have reached out to the Plaintiff for the purpose of settlement, however, the talks could not be fructified. He would further submit that despite Defendants being served, there is no appearance which has been caused on behalf of the Defendants. He submits that as the ad-interim order was duly executed by the Court Receiver, the Defendants are aware of the ad-interim order and despite thereof, they chosen not to cause any appearance. He further submits that the affidavit of service has been placed on record.

4. By order of 3rd August, 2023, this Court had come to a *prima facie* finding that the Plaintiffs are the registered proprietor of the trade mark of DULCOFLEX and DULCOLAX and are the owners of the copyright subsisting in the original artistic trade dress/ packaging work. This Court came to a prima facie finding that the impugned marks are identical with and/or closely deceptively similar to and/or substantial reproduction of the Plaintiff's trademark/ artistic work/ packaging and is likely to cause confusion and deception in the minds of the consumers. While considering the relief of passing off, this Court has taken into consideration the pleadings of the Plaintiff as regards the annual sales figure and came to a finding of goodwill which is earned by the Plaintiff in respect of the trademark.

5. Despite the *prima facie* findings arrived at by this Court as

regards the infringement of trade mark, copy right and passing off, the Defendants have chosen not to cause any appearance. The *prima facie* findings arrived at by this Court are therefore not displaced in the absence of any response by the Defendants. There is no reason as to why the ad-interim relief should not be confirmed as interim relief.

6. Hence, ad-interim relief granted by order dated 3rd August, 2023 and 7th January, 2025 is confirmed as interim relief.

7. The Interim Application is allowed.

[SHARMILA U. DESHMUKH, J.]