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

+ **CS(COMM) 651/2023**

REKIN PHARMA PRIVATE LIMITEDPlaintiff

Through: Mr. Manoj Kumar and Mr. Amit
Kumar, Advs.

versus

**REXCIN PHARMACEUTICALS PVT LTD
AND ANR**

.....Defendants

Through: Mr. Sachin Gupta, Adv. (through vc)

CORAM:

HON'BLE MS. JUSTICE MANMEET PRITAM SINGH ARORA

ORDER

% **10.09.2025**

1. This suit has been filed by the Plaintiff seeking a mandatory injunction and recovery of damages of Rs. 10,00,000/- on account of defamation.
2. The cause of action for this suit is set out at paragraph '13', which reads as under:

"13. That the cause of action for filing the present suit arose on 30/05/2022 when the Defendants filed false and frivolous case/opposition before registrar of trade marks. It again arose when due to false cases the reputation and goodwill of the Plaintiff is badly affected and plaintiff lost many clients as the status of plaintiff's trade Mark changed to opposed from registered, hence the cause of action for filing the present suit is still subsisting and continuing one."

(Emphasis Supplied)

3. Learned counsel for the Defendant states that the Plaintiff has no cause of action to maintain this suit as the Plaintiff was exercising its legal right in filing opposition before the Registrar of Trademarks. He states that



the Plaintiff has independent registrations for its trademark.

4. He states that an application under Order VII Rule 11(a) CPC has also been filed in this suit.

5. In response, learned counsel for the Plaintiffs states on instructions that the Plaintiff fairly concedes and seeks liberty to withdraw this suit.

6. He states that all defences against this Defendant's allegations have already been raised in CS (COMM) 142/2023. He seeks liberty to place the documents filed herein on record in CS (COMM) 142/2023.

7. Learned counsel for the Plaintiff has no objection to the aforesaid submissions of the Defendant

8. The suit is accordingly dismissed as withdrawn with liberty reserved to the Plaintiff to file the documents forming part of this suit in CS (COMM) 142/2023 within two (2) weeks. It is further clarified that withdrawal of this suit is without prejudice to the defences raised by this Plaintiff in its written statement in CS (COMM) 142/2023.

9. Accordingly, the suit is dismissed.

10. Pending applications disposed of. Future dates stand cancelled.

MANMEET PRITAM SINGH ARORA, J

SEPTEMBER 10, 2025/msh/aa