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

+ **CS(COMM) 633/2021 & I.A. Nos. 16228/2021 & 8073/2022**

ALKEM LABORATORIES LTD

.....Plaintiff

Through: Mr. Sagar Chandra with Ms. Shubhie
Wahi and Ms. Sanya Kapoor,
Advocates.
(M): 9810907412
Email: sanya@scalegal.in

versus

DR BEST PHARMACEUTICALS PVT LTD & ORS.....Defendants

Through: Mr. Tushar Sharma, Advocate for
defendant nos. 1, 2 and 4.
Mr. Hitesh Singh with Mr. Sunil
Kumar Sharma, Ms. Tanvi Munjal
and Ms. Pooja Bansal, Advocates for
defendant no. 3.

CORAM:

HON'BLE MS. JUSTICE MINI PUSHKARNA

ORDER

04.03.2025

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1. Settlement Agreements have been received from the Delhi High Court Mediation and Conciliation Centre.
2. Settlement Agreement dated 31st January, 2024, is between plaintiff and defendant no. 3.
3. Settlement Agreement dated 22nd March, 2024, is between plaintiff and defendant nos. 1 and 2.
4. Settlement Agreement dated 25th October, 2024, is between plaintiff



and defendant no. 4.

5. Learned counsel appearing for the plaintiff, as well as counsels for the respective defendants, confirm the terms of the settlement and submit that the present suit be decreed in terms of the said Settlement Agreements.

6. This Court has perused the terms of the Settlement Agreements and finds the same to be lawful.

7. In terms of the settlement, the defendant nos. 1, 2, 3 and 4 have agreed and acknowledged that the plaintiff is the proprietor of the trade mark 'PAN-D' and 'PAN Family of Marks' for goods being *Pharmaceutical, Medicinal And Ayurvedic Preparations And Substances, Dietetic Food And Substances Adapted for Medical Use, Dietary Supplements For Humans, Nutritional Supplements, Nutraceutical Preparations for Therapeutic Or Medical Purposes, Nutraceuticals For Use As Dietary Supplements.*

8. The defendant nos. 1, 2, 3 and 4 further undertake not to use the impugned marks 'DrPAN'/'DrPanD'/'DrPan DSR' and 'DrPan Inj' and/or any other identical and/or deceptively similar mark to the plaintiff's 'PAN Family of Marks', in any manner whatsoever, in relation to *Pharmaceutical, Medicinal And Ayurvedic Preparations And Substances, Dietetic Food And Substances Adapted for Medical Use, Dietary Supplements For Humans, Nutritional Supplements, Nutraceutical Preparations for Therapeutic Or Medical Purposes, Nutraceuticals For Use As Dietary Supplements, and/or* such allied and cognate goods.

9. In terms of the Settlement Agreement dated 22nd March, 2024, defendant nos. 1 and 2 have paid an amount of ₹75,000/- cumulatively to the plaintiff, which learned counsel appearing for the plaintiff, acknowledges.



10. Further, in terms of the settlement, defendant no. 2 is required to withdraw its Trademark Application no. 3208615 in Class 5, dated 13th March, 2016.
11. Let the needful be done by defendant no. 2 expeditiously, within a period of two weeks from today.
12. As and when, such application for withdrawal is filed by the defendant no. 2, the Trade Mark Registry shall take appropriate steps expeditiously, in that regard.
13. Accordingly, the present suit is decreed in favour of the plaintiff and against defendant nos. 1, 2, 3 and 4 in terms of the Settlement Agreements dated 31st January, 2024, 22nd March, 2024 and 25th October, 2024, which shall form part of the decree, as well as in terms of para 44 (i) to (vi) of the amended plaint.
14. This Court notes that defendant nos. 5 and 6 are stated to be the manufacturers of defendant no. 1, and have never appeared before this Court, despite service.
15. It is noted that defendant no. 5 was served on 01st June, 2022, while defendant no. 6 was served on 03rd June, 2022. The right of defendant nos. 5 and 6 to file written statement, was closed *vide* order dated 18th October, 2022. Consequently, the said defendants were proceeded *ex-parte* by this Court.
16. Considering the fact that no written statement has been filed by defendant nos. 5 and 6, the submissions made in the plaint as well as the documents filed on behalf of the plaintiff, stand admitted and the submissions made before this Court by the plaintiff, remain uncontroverted.
17. No useful purpose shall be served in putting the case for trial *qua*



defendant nos. 5 and 6.

18. Accordingly, in exercise of its jurisdiction under Order VIII Rule 10 of the Code of Civil Procedure, 1908 (“CPC”), this Court passes a decree in favour of the plaintiff and against defendant nos. 5 and 6, in terms of para 44(i) to (vi) of the amended plaint.

19. Let decree sheet be drawn up.

20. Since the plaintiff has entered into settlements with defendant nos. 1, 2, 3 and 4, the Registry of this Court is directed to issue a certificate for refund of Court fees in favour of the plaintiff.

21. The present suit, along with the pending applications, stands disposed of.

MINI PUSHKARNA, J

MARCH 4, 2025

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