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IN THE HIGH COURT OF DELHI AT NEW DELHI

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C.O. (COMM.IPD-TM) 158/2025 & I.A. 16102/2025

PANKAJ KUMAR SHARMA & ANR.

.....Petitioners

Through: Mr. Eleen Garg, Advocate.

Versus

BONIKA HEALTHCARE & ANR.

.....Respondents

Through: Mr. Yash Agarwal, Mr. Ankit Sagar,
Mr. Shahin, Mr. Ashish & Ms. Mansi
Sharma, Advocates for R-1.
Mr. Gaurav Barathi, Ms. Amita Singh
& Ms. Rasya Rawal, Advocates for
R-2.

CORAM:

HON'BLE MR. JUSTICE TEJAS KARIA

ORDER

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07.11.2025

1. The Petitioners have filed the present Petition under Section 57 of the Trade Marks Act, 1999 for cancellation of the Mark 'ETORELAX' bearing Registration No. 6117185 in Class 5.
2. The learned Counsel for Respondent No. 1, on instructions, submits that Respondent No. 1 does not have any objection if the present Petition is allowed and the Mark 'ETORELAX' bearing Registration No. 6117185 in Class 5 registered in favour of Respondent No. 1 is cancelled / rectified / expunged from the Register of Trade Marks. It is further submitted on behalf of Respondent No. 1 that Respondent No. 1 has no objection with regard to the registration of the Mark 'ETORELAX' in favour of the Petitioners and that Respondent No. 1 shall not object to the registration of the same in favour of the Petitioners, if applied by the Petitioners. The said statement of Respondent No. 1, through Counsel, is taken on record and Respondent No. 1 is bound by the same.



3. In view of the same, Respondent No. 2 is directed to rectify / cancel / expunge the registration of the Mark 'ETORELAX' bearing Registration No. 6117185 in Class 5 issued in favour of Respondent No. 1 from the Register of Trade Marks.

4. Accordingly, the present Petition and the pending Application are disposed of with the aforesaid directions.

TEJAS KARIA, J

NOVEMBER 7, 2025

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