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

+ **CS(COMM) 810/2024 & I.A. 2936/2025**

EMCURE PHARMACEUTICALS LIMITEDPlaintiff

Through: Ms. Archana Sahadeva and Mr.
Harshit Bhoi, Advs.
M: 9818758576

versus

SIDDHI HERBALSDefendants

Through: Ms. Vasupriya Awasthi and Mr.
Neeraj Bhardwaj, Advs.
M: 9810147174

CORAM:
HON'BLE MS. JUSTICE MINI PUSHKARNA

ORDER
03.02.2025

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I.A. 2936/2025 (Application under Order XXIII Rule 3 CPC)

1. The present application has been filed under Order XXIII Rule 3, read with Section 151 of the Code of Civil Procedure, 1908 ("CPC"), jointly by the plaintiff and the defendant.
2. The present suit has been instituted by the plaintiff seeking to restrain the defendant from continuing *inter alia* with acts of infringement of the plaintiff's registered trademark 'OROFER', along with passing off its products as those of the plaintiff's, owing to the adoption of the impugned trademark 'ORAFER-XT', copyright infringement on account of adoption



and use of a nearly identical trade dress viz. , as that of the trade



dress adopted and used by the plaintiff viz. , dilution, damages etc.

3. Vide order dated 19th September, 2024, this Court had granted an *ex-parte ad interim* injunction against the defendant.

4. It is submitted that subsequently during the pendency of the present suit, the parties have amicably resolved their dispute. The terms of the settlement are contained in Para 5 of the present application.

5. Counsel for the parties confirm the terms of the settlement and pray that the suit be decreed in terms thereof.

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

7. Parties shall remain bound by the terms and conditions of the settlement.

8. Accordingly, the present suit is decreed in terms of the prayer clause 54 (a) to (c) of the plaint, and in terms of the settlement between the parties, as contained in Para 5 of the present application, which shall also form part



of the decree.

9. Considering the fact that the parties have arrived at a compromise, the Registry is directed to issue a certificate for refund of Full Court Fees in favour the plaintiff.

10. Decree sheet be drawn up.

11. The suit along with the pending applications stands disposed of.

12. The next date of 30th February, 2025, stands cancelled.

MINI PUSHKARNA, J

FEBRUARY 3, 2025

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