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

+ **CS(COMM) 1250/2025 & I.A. 29133/2025 I.A. 29134/2025 I.A. 29135/2025**

SAGA LIFESCIENCES LIMITED

.....Plaintiff

Through: Mr. Vikas Khera, Ms. Sneha Sethia,
Mr. Yash Sharma, Mr. Jatin Gautam,
Advocates

versus

RITS LIFESCIENCES PVT. LTD. & ORS.

.....Defendants

Through: Mr. Vinay Tripathi, Advocate

CORAM:

HON'BLE MS. JUSTICE MANMEET PRITAM SINGH ARORA

ORDER

% **24.11.2025**

CS(COMM) 1250/2025 & I.A. 29133-29135/2025

1. This suit has been filed by the plaintiff under Sections 134 and 135 of the Trademarks Act, 1999, seeking a permanent injunction restraining infringement and passing off of trademark, rendition of accounts, damages, and other ancillary reliefs.
2. The plaintiff is a pharmaceutical company engaged in the business of manufacturing and marketing of Pharmaceuticals and medicinal preparations, nutraceutical products, dietetic substances adapted for medical use and cosmetic products.
3. The plaintiff is the proprietor of the wordmark VITARICH, bearing TM No. 5421195 in Class 5, filed on 23.04.2022 with a user claim of



25.07.2003.

4. The plaintiff learnt about the defendants on 19.12.2022, when



defendant no.2 applied for registration of the device mark [‘impugned mark’] bearing TM No. 5073302 in class 5, filed on 04.08.2021 with a user claim of 01.10.2013. The plaintiff also filed an opposition to the impugned mark on 20.12.2023.

Submissions by the Parties

5. Mr. Vinay Tripathi, learned counsel, has entered appearance on behalf of the defendants on advance service.

5.1 He states that he will file his Vakalatnama within one [1] week.

5.2 He states that the defendants do not wish to contest this suit.

5.3 He states that the defendants are willing to suffer a decree of permanent injunction in terms of paragraph 49[a] of the plaint.

6. He states that the defendants also undertake to withdraw the TM application no. 5073302.

6.1 He states that the suit may be disposed of in terms of the aforesaid submissions.

7. Learned counsel for the plaintiff states that in view of the aforesaid submissions of the defendants, the plaintiff will be satisfied if the suit is decreed in terms of the relief of permanent injunction as prayed for at prayer clause 49[a] and the undertaking of the defendant with respect to withdrawal of TM application no. 5073302 is taken on record.

8. In view of the aforesaid submissions of the parties and no contest, the suit is hereby decreed in terms of prayer clauses at paragraph 49[a]. The



submission of the defendants that they will withdraw TM application no. 5073302 is accepted and they are bound down to the same. The defendants will take appropriate steps for withdrawal within four (4) weeks, failing which, plaintiff will be at liberty to approach the Registrar of Trademarks with the decree for appropriate directions. The remaining reliefs in the plaint are disposed of as not pressed.

9. The defendants are bound down to the statements made before this Court.

10. The registry is directed to draw up a decree in the aforesaid terms.

Refund of Court Fees

11. Learned counsel for the plaintiff requests for refund of the court fees, in view of the fact that the suit has been decreed on the very first date of hearing.

12. Keeping in view the aforesaid facts, the registry is directed to refund 100% Court Fee in favour of the Plaintiffs within four [4] weeks, in accordance with law. The said direction has been passed having regard to Sections 16 and 16A of the Court Fees Act, 1870 and the judgment of the Supreme Court in **High Court of Judicature at Madras v. M.C. Subramaniam & Ors¹**.

13. It is clarified that in case the plaintiff is compelled to approach the Court for execution of the decree due to the non-compliance of the defendants, it shall pay the entire court fee before filing the execution petition.

14. Accordingly, the suit stands disposed of.

15. Pending applications are disposed of.



16. In case, the learned counsel for the defendants fail to file the Vakalatnama, list the matter before the Court.

17. The digitally signed copy of this order, duly uploaded on the official website of the Delhi High Court, www.delhihighcourt.nic.in, shall be treated as a certified copy of the order for the purpose of ensuring compliance. No physical copy of order shall be insisted by any authority/entity or litigant.

MANMEET PRITAM SINGH ARORA, J

NOVEMBER 24, 2025/mt/aa

(2010) 8 SCC 24.