



\$~41 (25.11.2025)

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

+ CS(COMM) 1258/2025 & I.As. 29422-25/2025

**RECKITT AND COLMAN (OVERSEAS) HEALTH LIMITED
& ANR.**

.....Plaintiffs

Through: Ms. Nancy Roy and Ms. Aastha
Kakkar, Advocates

versus

M/S. PAX HEALTHCARE & ORS.

.....Defendants

Through: Mr. Tarun Jaitly, Advocate
(Through VC)

CORAM:

HON'BLE MS. JUSTICE MANMEET PRITAM SINGH ARORA

ORDER

% **26.11.2025**

This matter is being taken today on account of a public holiday declared on 25.11.2025 on the occasion of the 350th anniversary of 'Guru Teg Bahadur's Martyrdom Day'.

1. The suit has been filed under Sections 27, 28 and 29 of the Trade Marks Act, 1999 and Sections 51 and 63 of the Copyright Act, 1957, seeking permanent injunction and damages for trademark and copyright infringement, passing off and unfair trade practices.
2. Learned counsel for the plaintiff states that she has placed on record the additional documents vide e-diary no. 8483418/2025.
 - 2.1. She states that subsequent to the service of the suit paper-book upon the defendants, the defendants, by an e-mail dated 21.11.2025, furnished undertakings stating that they will henceforth desist from using the impugned marks **GAVISDEX** and **GAVISROX**.
 - 2.2. She states that the undertakings further record that the defendants have immediately discontinued further manufacturing under the impugned marks and the impugned trade dresses.



2.3. She states that in view of these undertakings, the plaintiff would be satisfied if the suit is disposed of, binding the defendants to these undertakings.

3. Mr Tarun Jaitly has entered an appearance on behalf of all the defendants through the video conferencing link. He states that he is the law officer of all the defendant companies/firms and is duly authorized to represent all of them and will file his authorisation on record within one (1) week. He states that his Bar Council registration no. is P/2368/2010; Mobile No. 9988381019 and e-mail I.D. advtarunjaitly@gmail.com.

3.1. He states that he confirms that the defendants have issued these undertakings and undertake to remain bound by the same.

3.2. He states that defendants do not wish to contest the proprietary rights of the plaintiff in the mark GAVISCON and its trade dress and do not wish to incur any legal cost, therefore, the suit may be disposed of in terms of the said undertakings.

3.3. He also states that the defendant has taken all requisite steps to remove all the references and use of the impugned marks and products from its website as well.

4. This Court has perused the undertakings issued by defendant nos. 2, 3 and 5 as well as the e-mail dated 21.11.2025 issued on behalf of all the defendants.

5. The undertakings of the defendants are accepted by the Court, and they are bound down to the same.

6. Consequently, the decree of permanent injunction is hereby passed in favour of the plaintiff and against the defendants in terms of prayer clause A(i) and (ii) of the plaint.



7. No other reliefs are pressed for and the same are disposed of as withdrawn.
8. The Registry is directed to draw up a decree in terms of this order and it is directed that the prayer clause A(i) and A(ii) of the plaint shall form part of the said decree.
9. The suit stands disposed of.
10. Pending applications disposed of.
11. Mr. Tarun Jaitly will ensure that his authorisation on behalf of all the defendants is filed within one (1) week, failing which this matter shall be listed before the Court.

Refund of Court Fees

12. Learned counsel for the plaintiff prays that in view of the early disposal of the suit on the first date of hearing, for partial refund of court fee may be granted.
13. Keeping in view the aforesaid facts, the registry is directed to refund 50% Court Fee in favour of the plaintiff 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 (as applicable to Delhi).
14. 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 26, 2025/rhc