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

+ CS(COMM) 647/2023, I.A. 18043/2023 & I.A. 18045/2023

SUN PHARMA LABORATORIES LTD. .... Plaintiff  
Through: Mr. Sachin Gupta, Mr. Rohit Pradhan, Mr. Manan Mondal and Ms. Gaurangi Sharma, Advs.

versus

CONSERN PHARMA LTD. .... Defendant  
Through: Mr. Ayush Sharma, Adv.

**CORAM:  
HON'BLE MR. JUSTICE C.HARI SHANKAR**

% **ORDER**  
**09.10.2023**

**I.A. 18043/2023 [under Order XXXIX Rules 1 and 2 of the CPC]**

1. Mr. Ayush Sharma who appears on behalf of the defendant makes a statement, at the outset, that, pending disposal of the suit, his client would not use the mark VENISH, with which the plaintiff is aggrieved, for pharmaceutical preparations or for any allied or cognate goods. The defendant shall also stand injuncted, pending disposal of the suit, from releasing into the market any stock of pharmaceutical products bearing the mark VENISH which may presently be available with it, though the Court is not interfering with any batches may have already been released into the market.

2. The defendant shall also place on record, with its written statement, the details of the sales returns from sale of pharmaceutical products using the mark VENISH, with or without any suffixes, since



the time the mark is being used.

3. IA 18043/2023 stands disposed of in the aforesaid terms.

**I.A. 18045/2023 [under Section 12A of the Commercial Courts Act, 2015]**

4. In view of the judgment of the Division Bench of this Court in *Chandra Kishore Chaurasia v. R.A. Perfumery Works Pvt Ltd*<sup>1</sup>, exemption is granted from the requirement of pre-institution mediation under Section 12A of the Commercial Courts Act, 2015.

5. The application stands allowed accordingly.

**CS(COMM) 647/2023**

6. List before the learned Joint Registrar (Judicial) on the date already fixed, i.e. on 21 November 2023.

**C.HARI SHANKAR, J**

**OCTOBER 9, 2023**

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<sup>1</sup> 2022 SCC OnLine Del 3529  
CS(COMM) 647/2023