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

+ **CS(COMM) 279/2019**

SUN PHARMA LABORATORIES LIMITED Plaintiff

Through: Mr. Sachin Gupta,, Advocate with
Mr. Rajnandini Mahajan, Mr.
Pratyush Rao, Ms. Jasleen Kaur,
Advocates.

versus

TICOMA PHARMACIA Defendant

Through: Ms. Renu Narula, Advocate with
Mr. Amitpal Singh, Advocate

CORAM:

HON'BLE MR. JUSTICE PRATEEK JALAN

ORDER

% **23.09.2019**

1. The defendant has filed an affidavit dated 16.09.2019 in compliance of an order of this Court dated 11.09.2019. It is stated therein that the partners of defendant did not fully appreciate the order of the Court dated 27.05.2019 when produced by the Local Commissioner as they had not faced such a situation before. The defendant has submitted that the impression of the Local Commissioner that the partners of the defendant were not cooperating with the Local Commissioner was on account of their confusion and the partners of the defendant have tendered their unconditional apology to the Court. The apology is accepted.

2. With regard to the stocks of the defendant's infringing product PANTACID-D, the defendant has stated that after knowledge of the suit, the defendant has recalled the stock of the medicine and 1391 strips have

been returned to the defendant.

3. The affidavit also records that the defendant wishes to settle the matter and has no intention to manufacture the product PANTACID-D. The statement of Mr. Varun Kapoor, a partner in the defendant-company, has been recorded separately.

4. In accordance with the statement recorded on behalf of the defendant, the plaintiff is entitled to a decree in terms of prayers contained in paragraphs 33 (a), (b) and (c) of the plaint. The decree sheet be prepared accordingly.

5. In pursuance of the direction for delivery up of the infringing goods, it is directed that the quantity of 1391 strips of PANTACID-D, which have been recalled by the defendant from its dealers, will be handed over to the counsel for the plaintiff by the counsel for the defendant within two weeks from today.

6. The plaintiff is also entitled to costs of these proceedings. In view of the fact that the plaintiff has paid court fees of ₹1,98,000/- and has incurred costs in execution of the commission pursuant to the order dated 27.05.2019, the quantum of costs to be paid by the defendant to the plaintiff is fixed at ₹3,00,000/-. The amount of costs be paid within three months.

PRATEEK JALAN, J

SEPTEMBER 23, 2019/ j's