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

+ CS(COMM) 11/2018 & I.A.No.135/2018

SUN PHARMACEUTICAL INDUSTRIES LIMITED Plaintiff

Through Mr.Sachin Gupta, Advocate.

versus

M/S METROCRAFT & ANR Defendants

Through Mr.Rajiv Seth, authorized
representative of D-1 in person.
Mr.Sunil Kumar, Advocate for D-2
with Mr.Shantanu, A.R. of the
defendant no.2.

CORAM:

HON'BLE MR. JUSTICE MANMOHAN

ORDER

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30.05.2018

Present suit has been filed for permanent injunction restraining infringement of trade mark, copyright, passing off, unfair competition, rendition of accounts of profits, damages, delivery up etc.

Learned counsel for the defendants states that the defendants have no objection if the present suit is decreed in accordance with prayers 32 (a), (b) and (c) of the plaint. He further states that the defendants are neither using nor intend to use the marks VOLINI and/or VOLIZING and/or VOLIFORCE or/and any other similar/identical mark/ trade dress to that of the plaintiff.

In view of the aforesaid statements/undertakings, learned counsel for the plaintiff does not wish to press the present suit any

further.

Consequently, the statements/undertakings given by learned counsel for the defendants is accepted by this Court and the defendants are held bound by the same.

The defendants shall file an affidavit disclosing the last batch numbers of medicines manufactured by them using the impugned marks VOLINI and/or VOLIZING and/or VOLIFORCE, within a period of two weeks.

Accordingly, the suit is decreed in accordance with the aforesaid statements/undertakings given by learned counsel for the defendants as well as payers 32 (a), (b) and (c) of the plaint. Registry is directed to prepare a decree sheet accordingly.

Registry is directed to issue to the plaintiff a certificate authorizing it to receive back from the Collector the full amount of the Court fee paid by it in the present suit.

As token of acceptance of the present order, learned counsel for defendant no.2 as well as the authorized representative of defendant no.1 are directed to sign the today's order sheet.

MAY 30, 2018
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MANMOHAN, J