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IN THE HIGH COURT OF DELHI AT NEW DELHI
(ORIGINAL ORDINARY CIVIL JURISDICTION)

CS (COMM) No. 73 of 2018

Sun Pharmaceutical Industries Ltd. ...Plaintiff

Versus

M/s A.S. Lifesciences & Others ...Defendants.

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High Court of Delhi

MEMORANDUM OF PARTIES

Sun Pharmaceutical Industries Limited
8C, 8th Floor, Hansalaya Building
15, Barakhamba Road
Connaught Place
New Delhi - 110 001

...Plaintiff

Versus

M/s A.S. Lifesciences
136 Industrial Estate
Kutana
Haryana -124001

...Defendant No.1

M/s Mavin Pharmaceuticals
201-202, 2nd Floor, W.P 476
Shiv Market, Wazirpur Village
Ashok Vihar
Delhi-110 052

...Defendant No.2

ESKAG Pharma P. Ltd.
G-112, Sector-II
Suite No. 804 & 805
Baishakhi, Salt Lake City
Kolkata-700091

...Defendant No. 3

Place: New Delhi
Date: 9th January, 2018

Sachin Gupta
(Sachin Gupta & Associates)

Advocates for the Plaintiff

A-1, Vasant Kunj Enclave
New Delhi 110 070

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Examiner Judicial Department
High Court of Delhi
Administrative Section IV
Judicial Evidence Cell

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* IN THE HIGH COURT OF DELHI AT NEW DELHI

+ CS(COMM) 23/2018 & I.A. 406/2018

SUN PHARMACEUTICAL INDUSTRIES LIMITED Plaintiff

Through: Mr. Sachin Gupta, Advocate with
Ms. Surabhi Grover, Advocate.

versus

M/S A.S. LIFESCIENCES & OTHERS

..... Defendants

Through: Mr. Aruni Poddar, Advocate.

CORAM:

HON'BLE MR. JUSTICE MANMOHAN

ORDER

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15.05.2018

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

Today, learned counsel for defendants states that he has no objection if the present suit is decreed in accordance with paragraph 32 (a) and (b) of the plaint. He further states that the goods seized by the Local Commissioner shall be handed over to an authorised representative of the plaintiff within a period of two weeks.

In view of the aforesaid statements/undertakings, learned counsel for plaintiff does not wish to press for any other or further relief.

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

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High Court of Delhi of
Civil and Criminal Section
Indian Evidence Act.

Consequently, present suit and pending application are decreed in terms of the aforesaid undertakings given by the learned counsel for defendants and in accordance with paragraph 32 (a) and (b) of the plaint. Registry is directed to prepare a decree sheet accordingly.

Sd/-
MANMOHAN, J

MAY 15, 2018
js

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High Court of Jammu & Kashmir
Authorised under Section 77
Indian Evidence Act.

(DECREE IN A SUIT FOR PERMANENT INJUNCTION ETC.)

IN THE HIGH COURT OF DELHI AT NEW DELHI
(ORDINARY ORIGINAL CIVIL JURISDICTION)

CS(COMM) No.23/2018

Sun Pharmaceutical Industries Limited
8C, 8th Floor, Hansalaya Building
15, Barakhamba Road,
Connaught Place,
New Delhi - 110 001

...Plaintiff

Versus

1. M/s A.S. Lifesciences
136 Industrial Estate
Kutana, Haryana - 124001
2. M/s Mavin Pharmaceuticals
201-202, 2nd Floor, W.P. 476
Shiv Market, Wazirpur Village,
Ashok Vihar, Delhi-110 052
3. ESKAG Pharma P. Ltd.
G-112, Sector-II,
Suite No.804 & 805
Baishakhi, Salt Lake City
Kolkata - 700091

...Defendants

Value of suit for
purpose of jurisdiction : Rs. 1,00,08,000/-

Court fee paid : Rs. 1,01,000/-

Plaint presented on : 09.01.2018

CLAIM: FOR PERMANENT INJUNCTION RESTRAINING
INFRINGEMENT OF TRADE MARK, PASSING OFF, UNFAIR
COMPETITION, RENDITION OF ACCOUNTS OF PROFITS/
DAMAGES, DELIVERY UP, ETC.

THIS THE 15TH DAY OF MAY, 2018

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Examiner Judicial Department
High Court of Delhi of
Authorised Officer Section 77
Indian Evidence Act.

CORAM: HON'BLE MR. JUSTICE MANMOHAN.

FOR THE PLAINTIFF: Mr. Sachin Gupta, Advocate with
Ms. Surabhi Grover, Advocate.

FOR THE DEFENDANTS: Mr. Aruni Poddar, Advocate.

This suit coming on this day for final disposal before this Court in the presence of counsel for the parties as aforesaid, it is ordered that a decree for permanent injunction be and the same is hereby passed in favour of the plaintiff and against the defendants restraining them, their directors, partners or proprietors, as the case may be, their assignees in business, its distributors, dealers, stockists, retailers/ chemists, servants and agents from:-

- a) manufacturing, selling, offering for sale, advertising, directly or indirectly dealing in medicinal preparations under the impugned mark **LULIVIN** or any other trade mark as may be deceptively similar to the Plaintiff's well known trade mark **LULIFIN** amounting to infringement of registered trade mark No.1677854 of the Plaintiff.
- b) manufacturing, selling, offering for sale, advertising, directly or indirectly dealing in medicinal preparations under the impugned mark **LULIVIN** or any other trade mark as may be deceptively similar with Plaintiff well known trade mark

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High Court or Bench of
Authorised under Section 28
Indian Evidence Act

LULIFIN amounting to passing off of the Defendant' goods and business for those of the Plaintiff.

It is further ordered that a decree is also hereby passed in terms of the following undertakings given by the learned counsel for defendants as under:-

- The defendants have no objection if the present suit is decreed in accordance with paragraph 32(a) and (b) of the plaint.
- The goods seized by the Local Commissioner shall be handed over to an authorized representative of the plaintiff within a period of two weeks, i.e., from 15.05.2018.

It is lastly ordered that the statements/undertakings given by the learned counsel for defendants are accepted by this Court and defendants are held bound by the same.

Given under the hand and seal of **Hon'ble Ms. Justice Gita Mittal, Acting Chief Justice** of the High Court of Delhi at New Delhi, this the 15th day of May, 2018.

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Examined and Certified
by the Registrar
of the High Court of
Delhi under Section 77
of the Indian Evidence Act.


DEPUTY REGISTRAR (O)