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IN THE HIGH COURT OF DELHI AT NEW DELHI

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CS(COMM) 837/2018 & I.A. 6001/2018, I.A. 8547/2018

SUN PHARMACEUTICAL INDUSTRIES LIMITED Plaintiff

Through Mr. Sachin Gupta, Advocate

versus

NEERAJ BHATIA & ORS

..... Defendants

Through

Mr. Sudhir Nandrajog, Senior Advocate with Mr. Siddarth Bambha with Mr. Anish Chawla, Advocates for D-1 and 2.

Mr. Sumit Rajput, Advocate for D-3, 4 and 5.

CORAM:**HON'BLE MR. JUSTICE MANMOHAN**

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ORDER**17.09.2018**

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

Learned counsel for the defendants state that they have no objection if the present suit is decreed in accordance with paragraph 36(a), (b) and (c) of the plaint. They also assure and undertake to this Court that defendants shall not sell, manufacture or trade upon in any manner in the name of VOLINI, VOLI PLUS and VOMINI PLUS.

Mr. Sudhir Nandrajog, learned senior counsel for the defendant nos. 1 and 2 candidly states that as this is a case of repeat infringement, defendant

nos. 1 and 2 shall pay Rs. 6,00,000/- as costs.

Mr. Sumit Rajput, learned counsel for the defendant nos. 3, 4 and 5 states that as the present suit is a first case of infringement, defendant nos. 3, 4 and 5 shall collectively pay Rs. 1,00,000/- as costs.

In view of the aforesaid statements, learned counsel for plaintiff does not wish to press for any other or further relief. He also states that the aforesaid costs be deposited with the Chief Minister Fund, Kerala.

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

Consequently, present suit is decreed in accordance with paragraph 36(a), (b) and (c) of the plaint as well as the undertakings given by learned counsel for the defendants. The costs of Rs. 6,00,000/- by defendant nos. 1 & 2 and Rs. 1,00,000/- by defendant nos. 3, 4 and 5 (collectively) shall be paid to Chief Minister's Distress Relief Fund, Kerala within two weeks. Registry is directed to prepare a decree sheet accordingly.

Registry of this Court is also directed to issue to an authorised representative of the plaintiff a certificate authorizing him/her to receive back from the Collector the full amount of the Court fee paid by it in the present suit.

With the aforesaid observations, present suit and pending applications stand disposed of.

MANMOHAN, J

SEPTEMBER 17, 2018

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