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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ CS(COMM) 813/2022 & I.A. 19626/2022, I.A. 19627/2022,
I.A. 19628/2022, I.A. 19629/2022

SUN PHARMA LABORATORIES LTD Plaintiff
Through: Mr. Sachin Gupta, Ms. Jasleen
Kaur, Ms. Swati Meena and Ms. Yashi
Agarwal, Advs.

versus

LIFESURGE BIOSCIENCES PRIVATE LTD & ANR.
..... Defendants
Through: None

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

% **ORDER**
29.11.2022

I.A. 19627/2022 in CS(COMM) 813/2022

1. Exemption allowed subject to all just exceptions.
2. The application is disposed of.

I.A. 19626/2022 in CS(COMM) 813/2022

3. In view of the order being passed today, this application has rendered infructuous and is disposed of.

CS(COMM) 813/2022

4. The plaintiff is the registered holder of the mark "NORMOZ", under which mark it manufactures and clears a pharmaceutical preparation containing Inositol, Chromium Picolinate and Vitamin D3, stated to be useful in the treatment of Polycystic Ovarian Syndrome (PCOS).

5. The plaintiff alleges that the defendant is infringing the plaintiff's registered mark and passing off its products as those of the plaintiff by manufacturing and selling a pharmaceutical preparation containing the same constituents under the name "NORMOCOS".

6. Mr. Sachin Gupta, learned Counsel for the plaintiff submits that he does not seek *ex parte* ad interim relief in the matter but would be satisfied if a short date is given so that the defendants could respond to the pleadings in the application.

7. Let the plaint be registered as a suit. Summons to be issued to the defendants by all modes.

8. Written statement, accompanied by affidavit of admission and denial of the documents, filed by the plaintiff, be filed within four weeks, with advance copy to learned counsel for the plaintiffs, who may file replication thereto, if any, accompanied by affidavit of admission and denial of the documents filed by the defendants, within four weeks thereof.

9. List before the learned Joint Registrar (Judicial) for completion of pleadings, admission and denial of documents and marking of exhibits on 18th January 2023.

I.A. 19628/2022 & I.A. 19629/2022 in CS(COMM) 813/2022

10. Issue notice. Notice be served on the defendants by all modes.

11. Notice on Defendant 2 be additionally served *dasti*.

12. Reply, if any, be filed within two weeks with advance copy to learned Counsel for the plaintiff who may file rejoinder thereto, if any, before the next date of hearing.

13. Re-notify on 22nd December 2022 before the Court for disposal of these applications.

C.HARI SHANKAR, J

NOVEMBER 29, 2022

dsn