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

+ **CS(COMM) 788/2023**

**SUN PHAMACEUTICAL
INDUSTRIES LTD & ANR.**

..... Plaintiffs

Through: Mr. Rohit Pradhan and Mr.
Sachin Gupta, Advs.

versus

LAURENSUN REMEDIES PVT LTD & ANR..... Defendants

Through: Mr. Arav Khanna, Adv.

CORAM:

HON'BLE MR. JUSTICE C.HARI SHANKAR

JUDGMENT (ORAL)

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22.11.2023

CS(COMM) 788/2023

1. The present suit is directed against (i) the marks FERTISUN used *per se* as well as with the suffixes F and L as FERTISUN-F and FERTISUN-L and (ii) the corporate name of the defendant “LaurenSun Remedies Pvt Ltd”.

2. Mr. Sachin Gupta, learned Counsel for the plaintiffs submits on instructions that his client has no objection to the use, by the defendants, of the prefix, “FERTI”, as in any of their marks, but is objecting to the use of “SUN” as a prefix or a suffix or as any part of any marks used by the defendants or as part of their corporate name.

3. Mr. Arav Khanna, learned Counsel for the defendants submits,



on instruction, that his client is agreeable not to use “SUN” as a suffix or prefix or as any part of any marks in respect of any of their products, or as part of their corporate name.

4. In that view of the matter, Mr. Sachin Gupta on instructions submits that his client would not be pressing for costs and damages. He, however, requests that the Court may incorporate, in the terms of the decree to be passed today, a requirement of the defendants placing, on affidavit within two weeks, the batch numbers relating to the last batch of stock manufactured by the defendants of the products FERTISUN, with or without any prefix, or LaurenSun or any other mark which uses “SUN” either as a suffix or as a prefix.

5. Insofar as the prayer in the suit for removal of “SUN” as part of the corporate name of the defendants is concerned, Mr. Arav Khanna submits on instructions that his client would require about two months’ time to change its corporate name. Mr. Gupta is agreeable to the said request.

6. Accordingly, the suit stands decreed in the following terms:

- (i) There shall be a decree of permanent injunction restraining the defendants from using “SUN” as part of their mark or brand name, relating to any of the products manufactured and sold by them, whether as a suffix or as a prefix or anywhere else in the name.



(ii) The defendants are also directed to place on record, on affidavit, the details of the last batch and manufacturing details of the last batch of any products manufactured by them, of the name of which “SUN” constitutes a part.

(iii) The defendants shall also ensure that their corporate name is modified to remove therefrom, the suffix “SUN”. The defendants are, however, granted two months’ time to do so.

(iv) As the plaintiffs do not press for costs and damages, no orders are being passed in that regard.

7. The suit stands decreed accordingly. Let a decree-sheet be drawn up by the Registry.

8. The plaintiffs are entitled to refund of the court fee, if any, deposited by them.

I.A. 21625/2023(Order XXXIX Rules 1 and 2 of the CPC)

9. This application does not survive for consideration and stands disposed of.

C.HARI SHANKAR, J

NOVEMBER 22, 2023/rb

[Click here to check corrigendum, if any](#)