



**BEFORE THE SPECIAL JUDGE, COMMERCIAL COURTS AND
6th ADDITIONAL DISTRICT & SESSIONS JUDGE AHMEDABAD
(RURAL) AT MIRZAPUR, AHMEDABAD.**

Commercial Trade Mark Suit No.20 of 2022

La Renon Healthcare Private Limited.

....Plaintiff.

V E R S U S

Stallion Laboratories Private Limited & others.

....Defendants.

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Appearances:-

Learned Sr. Advocate Mr. Mihir J. Thakore alongwith Adv Bitika Sharma for
the plaintiff.
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:-ORDER BELOW EXH.-5:-

1. Plaintiff has filed the suit for permanent injunction, restraining the violation, infringement and passing off of rights of the plaintiff in the registered trademark "RENOLOG", damages, rendition of accounts, delivery up, etc. under the provisions of Section 29, 134 and 135 of the Trademarks Act, 1999 alongwith one application for seeking interim injunction vide Exh.5 i.e. the present application under order.
2. Ld. Senior advocate Mr. Mihir J. Thakore appeared on behalf of plaintiff alongwith Ld. advocate Ms. Bitika Sharma. During arguments Ld. Senior advocate reiterated the contents of plaint, present application under order and further submitted that plaintiff is a company incorporated under the provisions of the Companies Act, 1956 and is a leading Indian pharmaceutical company established in the year 2007

having its registered office at Ahmedabad and is offering world class leading pharmaceutical products & services for various illness and diseases including Nephrology critical care, Neurological disorders, Urology, Gastroenterology, Respiratory, Cardio Metabolic, Gynaecology, etc. and is original adopter, registered proprietor of the trademark "RENOLOG" registered in Class 5 & 30 on 03.09.2007 and 14.09.2011 respectively.

3. It is further submitted that the defendants are using the identical/deceptively mark "RENALOG" for the similar kind of products & services and same may cause deception and confusion in the mind of the public at large that the defendants are in any manner associated with the plaintiff and/or are selling the products & services of the plaintiff on its behalf and same is causing/may cause irreparable loss and injury to the plaintiff.
4. Ld. Senior advocate for the plaintiff has relied upon the documents annexed with the plaint vide Exh.3 and judgement of Hon'ble Apex Court and Hon'ble High Courts in support of his contentions.
5. I have heard Ld. advocate for the plaintiff and have perused the entire judicial record.
6. As per pleadings of the plaintiff contained in the plaint Exh.1, defendant No.1 is a company incorporated under the provisions of the Companies Act, 1956 on 18.01.1988 and is in business of development, manufacturing and distribution of pharmaceutical formulations/preparations/medicines since 1988 and defendant No.2 obtained registration for the mark "RENALOG" in Philippines in Class-5 on 22.08.2016.

7. Considering over all facts & circumstances of the present matter and without going in details of the merits of the case, this Court is of the view that other party must be heard before granting any interim injunction and this is not a case where the delay would defeat the justice. Ex-parte ad-interim injunction cannot be granted in the present matter as court must strike a balance between the individual rights of disputing parties. Hence, in the interest of justice show-cause-notice need to be issued to the defendants for deciding the present application and a short date would cater the need of situation.
8. Show-cause-notice be issued to the defendants for the returnable date and defendants are directed to appear in person or through their authorized representatives to file the reply and argue on present application.

Written statement to the plaint be filed within the prescribed statutory period.

Service through electronic mode, RPAD etc. is permitted in addition to ordinary mode of service.

Matter adjourned for hearing on Exh.5 on 27.07.2022.

Signed & Pronounced in open court on this 13th Day of July, 2022.

[S.S.P. Jain]

Special Judge, Commercial Court
6th Addl District & Sessions Judge,
Ahmedabad (Rural) at Mirzapur.
UIC No.GJ01599.

Date :13.07.2022.
Place:Ahmedabad.
P.D. Mishra