



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

Commercial Trade Mark Civil Suit No.20 of 2022

La Renon Healthcare Private Limited .....Plaintiff.

**V E R S U S**

Stallion Laboratories Private Limited & Others. ....Defendants.

Sub: Application for correction in typographical/clerical error.

**:-ORDER BELOW EXH.-40:-**

1. Present application under order has been preferred by the plaintiff under the provisions of Section 152 of the Code of Civil Procedure, 1908 (hereinafter referred as "CPC") contending therein that this Court vide order dated 24.11.2022 has partly allowed the Interim Injunction Application (Exhibit 5) of the plaintiff regarding temporarily restraining defendants from manufacturing, using, marketing etc. the impugned trademark "RENALOG" or any other trademark as may be deceptively similar to the registered trademark "RENOLOG" and amounting to passing off the defendants' goods as those of the plaintiff and further the defendants are temporarily restrained from misusing the registered mark/name and/or any of the other registered brands and names of the plaintiff whatsoever, till the pendency of the present suit. But while deciding the same, due to the typographical/clerical error, at sub-paragraph of Paragraph 7, on Internal Page 7 the date of usage of

plaintiff's trade-mark has been mentioned as "22.03.2009" instead of "22.06.2009" and further submitted that though the plaintiff had filed the appearance sheet, seeking names of all the advocates appearing and assisting the plaintiff in the present matter, however, the name of Mr. Aditya C. Yagnik and Ms. Aadya Chawla are not displayed in the order and hence, prayed that the necessary corrections be made in the order in the interest of justice.

2. Before proceeding further this Court would like to reproduce herein Section 152 of CPC for the ready reference;

*"152. Amendment of judgments, decree or orders.- Clerical or arithmetical mistakes in judgments, decrees or orders or errors arising therein from any accidental slip or omission may at any time be corrected by the Court either of its own motion or on the application of any of the parties."*

3. I have gone through the entire contents of the application, impugned order and relevant judicial record and provisions of law.
4. Perusal of record transpires that vide order dated 24.11.2022, Exhibit 5 application for Interim injunction Exh.5 filed by plaintiff was partly allowed and as per records, the date of usage of plaintiff's trade-mark is mentioned in their pleadings as "22.06.2009" but due to typographical/clerical mistake it has been mentioned as "22.03.2009" in the order passed below Exh.5, hence, the same needs to be corrected in the interest of justice.
5. Names of Ld. Advocate "Mr. Aditya C. Yagnik" and "Ms. Aadya Chawla" are also not been displayed in the appearance portion of the order but considering the fact that this court has mentioned names of four advocates who argued/ assisted Ld. Sr. advocate appearing for plaintiff,

prayer to add names can not be granted.

6. Considering the provisions contained U/s 152 of Civil Procedure Code, 1908, present application deserves to be partly allowed. Therefore, I pass the following final order:

**:-ORDER:-**

- Present application is hereby partly allowed.
- The date i.e. "22.03.2009" of usage of registered trademark "RENOLOG" as mentioned at sub-paragraph of Paragraph 7 at Page No.7 of order below Exh.5 dated 24.11.2022 be read as "**22.06.2009**" for all future references and necessary compliance.
- Copy of this order be kept with the order dated 24.11.2022 passed below Interim Injunction Application Exh.5 and the same be read along with the present order.

Present application stands disposed of accordingly.

Signed & Pronounced in the open Court on this 29<sup>th</sup> day of December, 2022.

**(Shalini Shital Prasad Jain)**

6<sup>th</sup> Addl. District & Sessions Judge,  
Ahmedabad (Rural) at Mirzapur.

UIC No.GJ01599.

Date :29.12.2022.

Place:Ahmedabad.

A.V.Jani