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

+ **CS(COMM) 388/2024 & I.A. 44144/2024**

DR. REDDYS LABORATORIES LIMITEDPlaintiff

Through: Mr. Ranjan Narula, Mr. Shakti Priyan
Nair and Mr. Parth Bajaj, Advs.
(M: 9711721913)
(Email:Legal@rnaip.com)

versus

ZEELAB PHARMACY PVT LTDDefendant

Through: None.

CORAM:
HON'BLE MS. JUSTICE MINI PUSHKARNA

ORDER

% **05.11.2024**

I.A. No. 44144/2024

1. The present application has been filed on behalf of the plaintiff under Order XXXIX Rule 2A read with Sections 11 & 12 of Contempt of Courts Act, 1971 read with Section 151 Code of Civil Procedure, 1908 ("CPC") arising out of the disobedience of the order dated 14th May, 2024.
2. Learned counsel appearing for the plaintiff submits that *vide* order dated 14th May, 2024, this Court had granted an *ex-parte ad-interim* injunction against the defendant, wherein, the defendant was restrained from manufacturing, marketing, supplying, selling, promoting and dealing with directly or indirectly, in medicinal and pharmaceutical preparations under the impugned mark 'OMEZEE', 'OMEZEE-DM' and/or any other mark identical or deceptively similar to the plaintiff's mark 'OMEZ'.
3. It is submitted that recently in the fourth week of August, 2024,



plaintiff through its representative was shocked to know that the defendant being aware of the order 14th May, 2024, has failed to comply with the injunction order.

4. Learned counsel appearing for the plaintiff has handed over an invoice dated 25th August, 2024 to submit that the defendant is still indulging in the selling and marketing of the impugned product in the market.

5. It is further submitted that the defendant had been selling the product through the e-pharmacies websites, the details of which have been filed alongwith the present application.

6. Learned counsel appearing for the plaintiff further submits that the Directors of the defendant are jointly and severally responsible for the contemptuous act. Thus, according to the record of the Registrar of Companies (“ROC”), the Directors of the defendant are as follows:

- a) Mr. Rohit Mukul
- b) Mr. Dinesh Kakar
- c) Mr. Anurag Attri

7. Issue notice to the defendant by all permissible modes.

8. Let reply be filed within a period of four weeks.

9. Rejoinder thereto, if any, be filed within two weeks thereafter.

10. Considering the submissions made before this court, the defendant is directed to immediately cease and desist from using the impugned mark OMEZEE and OMEZEE-DM or any other mark which is deceptively similar to the plaintiff’s mark OMEZ.

11. Further, the defendant is also directed to immediately remove the listing of the product from the e-pharmacies and its own website.



12. The Directors of the defendant, as mentioned above, are directed to be present in court on the next date of hearing.
13. List before the Court on 14th February, 2025.

MINI PUSHKARNA, J

NOVEMBER 5, 2024/PU