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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ CS(COMM) 606/2018, CCP(O) 88/2011, I.A. 14007/2018 & I.A.
2151/2022

ALTICOR INC

.....Plaintiff

Through: Ms. Tusha Malhotra and Ms.
Sugandha Yadav, Advocates.
Mob: 9818429170

versus

DINESH CHANDRA SHAHRA AND ANRDefendants

Through: Mr. Kuljeet Rawal and Mr. Aditya
Joshi, Advocates for D-1
Mob: 9958373993
Ms. Smita Jain, Advocate for D-2.
Mob: 9818344461

CORAM:
HON'BLE MS. JUSTICE MINI PUSHKARNA

ORDER
02.12.2024

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1. The present suit has been filed seeking restraint of groundless threats of legal proceedings by the defendants and declaration that such threats of institution of legal proceedings, are unjustifiable under Section 142 of the Trade Marks Act, 1999.
2. The suit relates to the plaintiff's trademark 'NUTRILITE' and the defendant's trademark 'NUTRELA'. The suit also seeks damages.
3. Subsequently, counter claim has been filed on behalf of the defendants. Vide order dated 19th February, 2013, the following issues were framed:



“(i) Whether the defendants axe the registered proprietors of the trademark NUTRELA? OPD

(ii) Whether the defendants' first use of the mark NUTRELA is prior to the plaintiffs' adoption of the mark NUTRILITE? OPD

(iii) Whether the defendants' first use of the mark NUTRELA is prior to the plaintiffs' first use of the mark NUTRILITE? OPD

(iv) Whether the plaintiffs are the registered proprietor of the mark NUTRILITE? OPP

(v) Whether plaintiffs' registered mark NUTMLITE is deceptively similar to the defendants' mark NUTRELA? OPD

(vi) Whether defendants are entitled to grant of a permanent injunction restraining plaintiffs' use of its registered mark NUTRILITE? OPD

(vii) Whether the plaintiffs are entitled to any damages from the defendants and if so, in what amount? OPP

(viii) Whether the defendants are entitled to any damages from the plaintiffs and if so, in what amount? OPD

(ix) Relief.”

4. Considering the submissions made before this Court, and considering the fact that the parties had earlier tried to settle the matter on their own, with the consent of the parties, the matter is referred to Delhi High Court Mediation and Conciliation Centre.

5. List before the learned Mediator on 10th December, 2024.

6. List before the Court on 14th February, 2025.

7. A copy of this order shall be sent to Delhi High Court Mediation and Conciliation Centre, forthwith.

MINI PUSHKARNA, J

DECEMBER 2, 2024

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