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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CS(COMM) 834/2023, I.A. 23080/2023, & I.A. 24630/2023**
UPAKARMA AYURVEDA PRIVATE LIMITED Plaintiff

Through: Mr Darpan Wadhwa, Sr Adv. with
Mr. Hemant Daswani, Ms Saumya
Bajpai, Ms Pranjal, Mr Amir Vaid,
Ms Divita Vyas, Mr Kumar Prakash
and Ms N. Bhadauria, Advs.

versus

RASAYANUM ENTERPRISES Defendant

Through: Mr Anil Goel and Mr Pranjal
Sharma, Advs.

CORAM:
HON'BLE MR. JUSTICE ANISH DAYAL

% **ORDER**
12.01.2024

I.A. No.876/2024 (under Order XXXIX Rule 2A CPC)

1. This application has been filed by the plaintiff pointing out that despite the order dated 21st November, 2023 restraining the defendant from manufacturing or marketing any product with the impugned device mark, the impugned products are being sold on various websites (non-applicants/defendant Nos.1 to 3). Screen shots of the said listings on the websites of the non-applicants are provided in this application.
2. Counsel for the defendant accepts notice and states on instructions that there is absolute compliance of the order of this Court dated 21st November,



2023. He wishes to file reply to this application, which he may do within next 4 weeks with advance copy to the opposing counsel, who may file a rejoinder, if necessary, before the next date of hearing.

3. In the meantime, defendant shall ensure that all aspects of order dated 21st November, 2023 are complied with including, in particular, restraining marketing and manufacturing of their products using the impugned label extracted in para 2 of the said order or any other label being deceptively similar to the device mark registered in plaintiff's favour.

4. The defendant shall also ensure that written communications are addressed to any e-commerce platform which may have listings of the impugned label, including but not limited to those which have mentioned by the plaintiff in this application. These communications shall refer to the order of this Court and ensure compliance by taking down the said listings. The details of such communications may be placed in the reply to be filed by the defendant to this application.

I.A. 24629/2023(under Order XXXIX Rule 4 CPC)

1. This application has been filed by the defendant seeking vacation of the injunction order passed by this Court on 21st November, 2023. The plaintiff has already filed reply to this application.

2. During deliberation in the Court, it transpired that defendant has devised a new set of packaging for its products in two different quantities, viz. 10g and 20g. These new packaging have certain changes from the impugned packaging, and the same have been shown to the Court as also to the Senior Counsel for the plaintiff.

3. Mr Darpan Wadhwa, Senior Counsel for the plaintiff, states that he will seek instructions from the plaintiff on whether they are willing to agree



to the proposed modifications.

4. The parties shall be at liberty, through their counsel, to discuss various permutations and combinations, if considered necessary, in order to arrive at an amicable resolution of their disputes.
5. Counsel for the defendant shall also take instructions from his client with respect to attempting an amicable settlement of disputes.
6. List for further directions, and for parties to report on the outcome of settlement talks on 24th January, 2024.
7. Interim orders to continue till then.
8. Order be uploaded on the website of this Court.

ANISH DAYAL, J

JANUARY 12, 2024/sm/rj