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

+ **CS(COMM) 935/2024 & I.A. 43168/2024**

SALMAN IQBAL AHMED MOMIN & ANR.Plaintiffs

Through: Ms. Swathi Sukumar, Sr. Advocate
with Mr. Gautam Panchal, Mr.
Deepank Singhal, Ms. Anchal
Raghuwanshi and Mr. Ritik
Raghuwanshi, Advocates
Mob: 9340158443

versus

ZENTIC PHARMACEUTICAL & ANR.Defendantsa

Through: Dr. Amit George, Mr. Faisal Mohd.,
Ms. Ishika Garg, and Mr. Rupam Jha,
Advocates for D-1 and D-2.
Mob: 8800641448

**CORAM:
HON'BLE MS. JUSTICE MINI PUSHKARNA**

**ORDER
16.12.2024**

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1. Ms. Swathi Sukumar, learned Senior Counsel appearing for the plaintiffs presses *I.A. 43168/2024*. She submits that the comparison of the labels/marks of the plaintiffs and defendants clearly shows the infringement of the trademark/label/packaging of the plaintiff by the defendants.
2. She further submits that the plaintiff is the prior adopter of the mark 'APSARA ROGHAN SUKOON' and the device mark, details of which are as follows:



Plaintiff's Label	Defendant's Label
	

3. She further submits that in the suit, which is pending between the parties in the Saket District Court, the plaintiffs herein has made categorical submissions with respect to the forged documents having been filed by the defendants herein, to which the defendants have not filed any response till date.
4. She further relies upon the judgment of the Supreme Court in the case of ***Renaissance Hotel Holdings Inc. Versus B. Vijaya Sai and Others, (2022) 5 SCC 1***, to submit that where it is proved categorically that the competing marks are identical/similar, injunction should follow.
5. On the other hand, Dr. Amit George, learned counsel appearing for the defendants submits that the briefing counsel has recently been engaged and submits that requisite reply/written statement shall be filed shortly.
6. Learned counsel appearing for the defendants further submits that they shall be filing documents to show their prior user.
7. Let reply to *I.A. 43168/2024* be filed within a period of two weeks from today.
8. Rejoinder thereto, if any, be filed within a period of one week, thereafter.
9. It is clarified that in case no reply to the aforesaid application is filed



by the defendants, even then, the Court shall proceed to hear the application.

10. Re-notify for hearing of *I.A. 43168/2024* on 14th January, 2025.

MINI PUSHKARNA, J

DECEMBER 16, 2024

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