

S U P R E M E C O U R T O F I N D I A

RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (Civil) No(s).5004/2006

(From the judgement and order dated 22/12/2005 in AN No. 1118/2005
in NM No. 2808/2002 in SN No. 3323/2002 of The HIGH COURT OF BOMBAY)

MEDLEY PHARMACEUTICALS LTD.

Petitioner(s)

VERSUS

KHANDELWAL LABRATORIES LTD.

Respondent(s)

(With appln(s) for permission to file additional documents
and with prayer for interim relief)

Date: 13/12/2006 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE B.P. SINGH

HON'BLE MR. JUSTICE TARUN CHATTERJEE

For Petitioner(s)

Mr. R.F. Nariman, Sr. adv.

Mr. Sagar Chandra, Adv.

Mr. Vikas Singh, Adv.

Mr. Hari Shankar K,Adv.

For Respondent(s)

Mr. Ashok H. Desai, Sr. adv.

Mr.S. Ganesh, Sr. adv.

Mr. Bharat Sah, Adv.

Mr. Pratap Venugopal, adv.

Ms. Surekha Raman, Adv.

Mr. E. Kumar, adv.

for M/S. K.J. John & Co.,Advs.

UPON hearing counsel the Court made the following

O R D E R

We have heard counsel for the parties.

We are not inclined to interfere with the impugned order in view of the fact

that the High Court refused to grant interim relief. The suit is yet to be decided.

...2/-

-2 -

Learned counsel appearing for the petitioner pointed out that in similar

circumstances in the case reported in 2001 (5) SCC, 73 Cadila Health Care Ltd. Vs

Cadila Pharmaceuticals Ltd. this Court did not interfere but directed the Trial Court

to dispose of the suit at an early date. Counsel for the respondent also has brought to

our notice similar order passed by this Court on 27.02.1998 in SLP(C) No.

21173/1997. Though Shri R.F. Nariman, learned senior counsel appearing for

the petitioner heavily relied upon the judgment in the case of Cadila Health Care Ltd.

(supra), Shri Ashok H. Desai, learned senior counsel appearing for the respondent

submitted that there are also other judgments which have a bearing on the question

involved in the suit particularly in matters relating to a passing off action. Needless

to say that the Trial Court shall consider all the authorities cited before it and pass

judgment after consideration of the submissions urged before it. Nothing said in this

order shall be construed as expression of opinion on the merit of the case.

This special leave petition is disposed of with a direction to the Trial Court

to dispose of the suit within a period of three months from the date on which a copy

of this order is brought to its notice by either of the parties. The Trial Court will not

grant unnecessary adjournments to either of the parties.

(Ajay Kr. Jain)
wan)

Court Master
er

(Vijay Dha

Court Mast