

**(2009) 08 MAD CK 0287**

**Madras High Court**

**Case No:** O.A. No's. 887 and 888 of 2009 in C.S. No. 751 of 2009

Sun Pharmaceuticals India  
Limited

APPELLANT

Vs

Bajaji Pharmaceuticals and Moba  
Pharmaceuticals Private Limited

RESPONDENT

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**Date of Decision:** Aug. 28, 2009

**Acts Referred:**

- Civil Procedure Code, 1908 (CPC) - Order 39 Rule 3

**Hon'ble Judges:** G. Rajasuria, J

**Bench:** Single Bench

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### **Judgement**

@JUDGMENTTAG-ORDER

G. Rajasuria, J.

O.A. No. 887 OF 2009:

1. Original Application praying that this Hon"ble Court be pleased to grant a temporary, ad-interim, interim injunction restraining the respondents, their distributors, stockists, servants, agents, retailers, representatives or any other person claiming under them from in any manner manufacturing, selling, offering for sale, stocking, advertising directly or indirectly dealing in medicinal and pharmaceutical preparations under the trademark MOLEANZ or any other trademark containing and/or identical and/or deceptively similar trademark to the Applicant's trademarks OLEANZ so as to pass off the respondent's preparations as and for the preparations of the Applicant and/or in any other manner whatsoever connected with the Applicant, pending disposal of the suit.

O.A. No. 888 of 2009:

2. Original Application praying that this Hon"ble Court be pleased to grant a temporary, ad-interim, interim injunction restraining the respondents, their

distributors, stockists, servants, agents, retailers, representatives or any other person claiming under them from in any manner manufacturing, selling, offering for sale, stocking, advertising directly or indirectly dealing in medicinal and pharmaceutical preparations infringing applicant's registered trademark OLEANZ by use of deceptively similar trademark MOLEANZ or any mark similar to applicant's registered trademark OLEANZ or in any other manner whatsoever pending disposal of the suit.

3. These Original Applications coming on this day before this Court for hearing in the presence of Mr. A.A. Mohan, Advocate for the applicant in both the Original Applications herein and upon reading the Judge's Summons and the affidavit of Mr. K.V.V.S.S.V. Prasad Rao, filed in O.A. No. 887 of 2009 and the Judge's Summons and the affidavit of Mr. K.V.V.S.S.V. Prasad Rao filed in O.A. No. 888 of 2009, and the plaint,

IT IS ORDERED AS FOLLOWS:

4. That 1. Bajaji Pharmaceuticals, and 2. Moba Pharmaceuticals Private Limited the respondents/defendants herein their distributors, stockists, servants, agents, retailers, representatives or any other person claiming under them be and are hereby restrained by an order of interim injunction till 11.09.2009 (a) from from in any manner manufacturing, selling, offering for sale, stocking, advertising directly or indirectly dealing in medicinal and pharmaceutical preparations under the trademark MOLEANZ or any other trademark containing and/or identical and/or deceptively similar trademark to the Applicant's trademarks OLEANZ so as to pass off the respondent's preparations as and for the preparations of the Applicant and/or in any other manner whatsoever connected with the Applicant, and (b) in any manner manufacturing, selling, offering for sale, stocking, advertising directly or indirectly dealing in medicinal and pharmaceutical preparations infringing applicant's registered trademark OLEANZ by use of deceptively similar trademark MOLEANZ or any mark similar to applicant's registered trademark OLEANZ or in any other manner whatsoever.

5. That the applicant/plaintiff herein be and is hereby directed to comply with Order 39 Rule 3 of CPC.

6. That the further hearing of these O.A. No. 887 and 888 of 2009 do stand adjourned to 11.09.2009