

A UNITED BIOTECH PRIVATE LIMITED
v.
ORCHID CHEMICALS AND PHARMACEUTICALS LIMITED
AND ORS.

B (M. A. No. 1764 of 2017)
In
(Civil Appeal Nos. 19938 of 2017)

JANUARY 17, 2018

C **[RANJAN GOGOI AND NAVIN SINHA, JJ.]**

Trade and Merchandise Marks Act, 1958 – ss. 46/56 and ss. 111/107 – Judgment dated 29-11-17 in Patel Field Marshal Agencies and Anr. versus P.M. Diesels Ltd. and Anr. [Civil Appeal Nos. 4767-4769 of 2001 with C. A. Nos. 19937 & 19938 of 2017 and D SLP (C) No. 30121 of 2012] as modified in terms of instant order dated 17-01-18, reported in [2017] 12 S.C.R. 674 – Full text of the order dated 17-01-18 now reported.

CIVIL APPELLATE JURISDICTION: M. A. No. 1764 of 2017 in Civil Appeal No. 19938 of 2017.

E From the Judgment and Order dated 18.05.2012 of the High Court of Delhi at New Delhi in L. P. A. No. 679 of 2011.

J. Sai Deepak, Bharadwaj Jaishankar, Mohit Goel, Sidhant Goel, Ashutosh Nagar, P. D. V. Srikar, Deepankar Mishra, Mishra Saurabh, Advs. for the Appellant.

F Gladys Daniels, S. Santanam, Swaminadhan, Ms. Aarthi Rajan, Advs. for the Respondents.

The following Order of the Court was passed:

ORDER

G 1. Upon hearing the learned counsel for the applicant, the judgment of this Court dated 29th November, 2017 passed in Civil Appeal Nos. 4767-4769 of 2011 and other connected matters is modified in the following terms.

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(i) In paragraph 13, the words “The arguments advanced on behalf of the appellants in the appeals” shall be substituted by the words “The arguments advanced on behalf of the appellants in Civil Appeal Nos.4767-4769 of 2001 and respondents in the appeal arising out of Special Leave Petition (Civil) No.27309 of 2012”. A

(ii) In paragraph 14, the words “In reply, on behalf of the respondent”, shall be substituted by the words “In reply, on behalf of the respondents in Civil Appeal Nos.4767-4769 of 2001 and appellant in the appeal arising out of Special Leave Petition (Civil) No.27309 of 2012”. B

(iii) Paragraph 37 shall read as under:

37. In the light of the above while answering the question arising in the manner indicated above, we dismiss Civil Appeal Nos.4767-4679 of 2001 and Civil Appeal arising out of Special Leave Petition (Civil) No.1851 of 2009 and allow the civil appeal arising out of Special Leave Petition (Civil) No. 27309 of 2012. C

2. The application is allowed in the above terms. D

Kalpana K. Tripathy

Application allowed.