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\* **IN THE HIGH COURT OF DELHI AT NEW DELHI**  
+ **FAO (COMM) 241/2024**  
**SUN PHARMACEUTICAL LABORATORIES LTD**

.....Appellant

Through: Mr.Amit Sibal, Sr. Adv. with  
Mr.Sachin Gupta, Mr.Rohit  
Pradhan, Mr.Saksham Dhingra,  
Mr.Ankur Vyas, Mr.Ankit  
Handa, Ms.Prashana Sing,  
Ms.Esha Goyal, Mr.Adarsh  
Agarwal, Mr.Ajay Kumar,  
Adv.

versus

**RSPL HELATHCARE P LTD & ANR.** .....Respondents

Through: Mr.Rishi Bansal, Mr.Shravan  
Kr. Bansal, Mr.Rishah Gupta,  
Ms.Ayushi Arora, Adv.

**CORAM:**  
**HON'BLE MR. JUSTICE NAVIN CHAWLA**  
**HON'BLE MR. JUSTICE RAVINDER DUDEJA**

**ORDER**

% **23.01.2025**  
**CM APPL. 4341/2025 (Exemption)**

1. Allowed, subject to all just exceptions.

**CM APPL. 4254/2025**

2. This application has been filed by the respondents/applicants seeking clarification/modification of the Order dated 18.12.2024, to state that this Court has not expressed any view on the merits of the appeal, and that the learned Trial Court is to adjudicate the application filed by the respondents under Order XXXIX Rules 1 and 2 of the



Code of Civil Procedure, 1908 (in short, 'CPC'), remaining completely uninfluenced by the earlier Order dated 03.12.2024 passed on the said application.

3. Issue notice.

4. Notice is accepted by Mr.Sachin Gupta, the learned counsel for the appellant/non-applicant.

5. The learned senior counsel for the appellant/non-applicant, at the outset, submits that the reference to the oral observation made by this Court while hearing the appeal on 18.12.2024, should not have been made in the pleadings of the appellant. He expressed an apology on behalf of the appellant for the same. The apology is accepted.

6. This Court, *vide* Order dated 18.12.2024, while setting aside the Order dated 03.12.2024 passed by the learned Trial Court by the consent of the parties, had further not made any observation on the merits of the application filed by the respondents or on the appeal filed by the appellant. No further clarification is required to be made in the said order.

7. The application is accordingly disposed of.

**CM APPL. 4340/2025**

8. This application has been filed by the respondents/applicants praying for compliance with the directions passed by this Court vide its order 18.12.2024 with respect to the timeline for hearing of the application under Order XXXIX Rules 1 and 2 of the CPC, filed by the respondent before the learned Trial Court, in letter and spirit.

9. The learned counsel for the respondents/applicants submits that this Court *vide* Order dated 18.12.2024, while setting aside the earlier



*ad interim* Order dated 03.12.2024 passed by the learned Trial Court by consent of the parties, also issued a direction for the expeditious disposal of the said application and making a request to the learned Trial Court to make an endeavour to dispose of the application within a period of one month of its first listing before it. He submits that to defeat the said order, the appellant has first filed a Suit, being CS(COMM) 11/2025, titled ***Sun Pharma Laboratories Ltd. v. RSPL Health P. Ltd.***, before this Court on a similar mark, and has now requested the learned Trial Court for an adjournment on the ground that parties have been referred to the mediation by an Order dated 13.01.2025 passed in the said suit. He submits that this request of the appellant has been acceded to by the learned Trial Court and the hearing of the application was adjourned. He further submits that the appellant has also moved an application seeking consolidation of the two suits, which would definitely delay the adjudication of the *interim* application filed by the respondents.

10. Issue notice.

11. Notice is accepted by Mr.Sachin Gupta, the learned counsel for the appellant/non-applicant.

12. The learned senior counsel for the appellant submits that the appellant had to file the suit as the respondent intended to expand its business to pharmaceuticals. He submits that by the Order dated 10.01.2025, the parties were referred for pre-institution mediation. He submits that the respondent cannot, on the one hand take part in the mediation process while, on the other hand, press their *interim* application in their own suit. He submits that the application seeking



consolidation of the two suits has been filed in accordance with the Intellectual Property Division Rules of this Court.

13. We have considered the submissions made by the learned counsels for the parties.

14. Without expressing any opinion on the conduct of the appellant, we reiterate our request to the learned Trial Court to expeditiously consider the application filed by the respondents under Order XXXIX Rules 1 and 2 of the CPC, as earlier also requested by us in our Order dated 18.12.2024. We may herein note that from the conduct of the respondents, it is evident that the respondents are presently not interested in the mediation process. The same is also expressed by the learned counsel appearing for the respondents.

15. With the above clarifications and request, the present application is disposed of.

**NAVIN CHAWLA, J**

**RAVINDER DUDEJA, J**

**JANUARY 23, 2025/Arya/DG**

*Click here to check corrigendum, if any*