

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NOS.8254-8255 of 2013

M/S SUN PHARMACEUTICALS
INDUSTRIES LTD.

... APPELLANT

VERSUS

M/S WEST COAST PHARMACEUTICAL
WORK LD & ANR.

... RESPONDENTS

O R D E R

1. The appellant has preferred the present appeals challenging the final judgment and order dated 20.06.2012 passed by the High Court of Gujarat at Ahmedabad, which had dismissed its Appeal From Order No.29 of 2012 arising from the order dated 23.01.2012 passed by the learned Chamber Judge, City Civil Court, Ahmedabad, dismissing the temporary injunction application filed by the appellant and vacating the *ad-interim* order granted earlier in the said matter.

2. The appellant had filed a suit for passing off action and for restraining the respondents from using the trademark "ACICAL". The appellant was manufacturing and marketing and selling a product "ACUCAL" and it had applied

for registration which was pending consideration when the suit was filed. It was the case of the appellant that the usage of the word "ACICAL" by the respondents is deceptively similar to their product "ACUCAL" and the appellant had applied for cease-and-desist order before the trial court. Though the trial court had granted an *ex-parte* injunction at the ad-interim stage, after notice and after hearing the parties the trial court dismissed the injunction application holding that the medical products of both the parties operated in different areas and, therefore, the plaintiff is not entitled to an injunction. The trial court also noticed that the trademark "ACUCAL" had still not been registered and, therefore, the appellant is not entitled for any discretionary relief and that it has failed to prove that there is deceptive similarity between trademark "ACUCAL" and "ACICAL" which creates confusion amongst doctors, chemist, traders or public in general, thereby dismissing the notice of motion.

3. The appellant filed an appeal before the High Court of Gujarat at Ahmedabad. Before the High Court, the appellant had also relied upon a judgment of this Court in *Cadila Health Care Ltd. V. Cadila Pharmaceuticals Ltd.* reported in (2001) 5 SCC 73. The High Court, while distinguishing the judgment passed in *Cadila Health Care (supra)*, upheld the order of the trial court and dismissed

the appeal. The appellant challenged the said order of the High Court and notice was issued by this Court on 06.08.2012. On 12.09.2013, this Court, after noticing the judgment in *Cadila Health Care Ltd. (supra)*, had granted leave in the matter and stayed the operation of the impugned order during the pendency of the appeal.

4. It appears during the pendency of the appeal in this Court, the appellant herein has obtained the registration for the trademark "ACUCAL". Subsequently, the parties seem to have entered into the Settlement Agreement on 11.10.2024, by virtue of which the appellant and the respondents have come to an agreement that the respondents will cease and desist from dealing in the medical preparations under the impugned trademark "ACICAL" and any of its extensions or any other marks which may be deceptively similar to the appellant's registered trademark "ACUCAL". The respondents have also agreed to cease and desist from using the trademark "ACUCAL" and that they will abandon their application for the trademark "ACICAL". The parties have agreed that the order dated 23.01.2012 passed by the City Civil Court, Ahmedabad, Gujarat in Civil Suit No. 2800/2011 as well as the impugned order dated 20.06.2012 passed by the High Court Gujarat be set aside and that the parties shall be making an appropriate application for the same.

5. On the basis of this settlement agreement, application dated 14.10.2024 being I.A. No.23575 of 2024 has been filed before this Court seeking disposal of the present appeals in terms of the settlement arrived at between the parties.

6. This Court has perused the Settlement Agreement and heard the appellant. Today when the matter was taken up for hearing, neither the respondents nor their representatives were present. The counsel for the appellant represented at the Bar, that the respondents have signed the agreement with full authority through proper representations and the settlement have been effected.

7. Heard the appellant and perused the application and the enclosed Settlement Agreement along with the authority letters executed by the parties.

8. In view of the settlement and the terms agreed thereunder these appeals are allowed. The order dated 23.01.2012, passed by the Ld. Trial Court in Notice of Motion Exhs. 6/7 and 16 in Civil Suit No.2800/20121 before the City Civil Court, Ahmedabad, Gujarat, as well as the

order dated 20.06.2012 by the High Court of Gujarat in Appeal No.29 of 2012, are set aside in the light of the settlement reached between the parties. The Settlement Agreement is taken on record and it will form part of this order.

9. Since the respondents were not present today, it is open to the respondents to approach this Court in case if they have an objection to the recording of the settlement and the disposal of the appeals in terms of the settlement, within a period of four months from today.

10. The appeals are disposed of accordingly.

....., CJI.
[SURYA KANT]

....., J.
[V. MOHANA]

NEW DELHI;
JUNE 17, 2026.

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

Civil Appeal No(s).8254-8255/2013

M/S SUN PHARMACEUTICALS INDUSTRIES LTD

Appellant(s)

VERSUS

M/S WEST COAST PHARMACEU.WORKS LTD. & ANR.

Respondent(s)

IA No. 235725/2024 - APPLICATION FOR SETTLEMENT, IA No. 126112/2025
- PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES

Date : 17-06-2026 This matter was called on for hearing today.

CORAM : HON'BLE THE CHIEF JUSTICE
HON'BLE MRS. JUSTICE V. MOHANA

(PARTIAL COURT WORKING DAYS BENCH)

For Appellant(s) : Mr. Sachin Gupta, AOR
Ms. Prashansa Singh, Adv.
Mr. Rohit Pradhan, Adv.
Ms. Mahima Chanchalani, Adv.
Mr. Rajat Jain, Adv.
Mr. Ajay, Adv.

For Respondent(s) :Mr. Rajiv Ranjan Dwivedi, AOR

UPON hearing the counsel the Court made the following
O R D E R

1. The appeals are disposed of in terms of the signed order.
2. All pending applications, if any, also stand disposed of.

(ARJUN BISHT)
ASTT. REGISTRAR-cum-PS

(signed order is placed on the file)

(PREETHI DILEEP KUMAR)
DEPUTY REGISTRAR