

MANU/SC/1251/2002

Equivalent Citation: 2002(25)PTC415(SC)

IN THE SUPREME COURT OF INDIA

Decided On: 26.08.2002

Appellants: **Troikaa Pharmaceuticals Ltd.**

Vs.

Respondent: **Wockhardt Ltd. and Anr.**

Hon'ble Judges/Coram:

B. N. Kirpal, C.J., K. G. Balakrishnan and Dr. Arijit Pasayat, JJ.

Counsels:

For Appellant/Petitioner/Plaintiff: Maninder Singh, Pratibha M. Singh, Kavita Wadia and Ankur Talwar, Advs

For Respondents/Defendant: Shekhar Naphade, Sr. Adv., Vimal Dave, Neelam Kalsi and Vimal Chandra S. Dave, Advs.

Subject: Intellectual Property Rights

Cases Referred:

Wockhardt Limited v. Devendra Medical Store and Anr., Suit No. 13 of 2001; Troikaa Pharmaceuticals v. Wockhardt Ltd. and Ors., Suit No. 3546/2001

Disposition:

Petition allowed

Citing Reference:

Mentioned ————— 2

Case Note:

Intellectual Property Rights – Transfer Petition – Suit by petitioner against respondent on violation of Trademark – Suit filed in Ahmedabad - Respondent filed suit against the petitioner in U.P. – Respondent's registered office in Bombay and factory in Bombay – Civil suit filed to harass the petitioner – Fit case for transfer – Petition allowed

ORDER

1. Heard counsel for the parties.

2. A suit has been filed by the petitioner against the respondents in Ahmedabad on the violation of a trade mark of the petitioner. Having obtained time for filing the written statement, the respondent then chose to file Suit No. 13 of 2001 entitled Wockhardt Limited v. Devendra Medical Store and Anr. against the petitioner herein in the Court of the District Judge, Kanpur Dehat (UP). The present application has been filed for transfer of the suit filed by respondent No. 1 to Ahmedabad. It is not in dispute that as far as respondent No. 1 is concerned, its registered office is at Bombay and its factory is in Gujarat. How it chose to go to Kanpur to file a civil suit defies all logic, it is clear that the intention was to harass the petitioner. We are satisfied that this is a fit case for transferring the petition. The Courts are not meant to be used for such business rivalries and trying to inconvenience another party at the expense of the Court's time. Such type of litigation has to be discouraged with a heavy hand. We, therefore, allow this petition directing the transfer of Suit No. 13 of 2001 entitled Wockhardt Limited v. Devendra Medical Store and Anr. from the Court of the District Judge, Kanpur Dehat (U.P.) to the City Civil Court, Ahmedabad and further direct the said suit to be tried alongwith Suit No. 3546/2001 entitled Troikaa Pharmaceuticals v. Wockhardt Ltd. and Ors.

3. This petition is allowed with Rs. 10,000/- as costs.