

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
SUIT NO. 280 OF 2015

M/s. Rishabh Impex ... Plaintiff

Versus

Naman Pharma Drugs and Anr. ... Defendants

Mr. A. Kirpekar i/b. MAG Legal for the Plaintiff.
Mr. Anand Kumar for the Defendants.

CORAM : S.J. KATHAWALLA, J.
DATED : 10TH JULY, 2015

P.C.

1. Heard the learned Advocates appearing for the parties and following order is passed by consent :

i. The Suit is decreed in terms of prayer clauses (a) and (b), which are reproduced under :

“(a) that this Hon'ble Court be pleased to restrain the Defendants by themselves and / or through their directors, partners, proprietors, servants, agents, exporters, importers, stockist and / or otherwise howsoever by an order of perpetual injunction of this Hon'ble Court from in any manner using in relation to any medicinal and pharmaceutical preparation and / or goods, the impugned 'NIMA POWER' carton being

Exhibit-D hereto and / or any other carton which is / are similar and / or colorable imitation and / or slavish imitation and / or obvious imitation and / or substantially similar with respect to the artistic work, design, lay out, colour scheme and get up and / or otherwise of the Plaintiffs "PIMA POWER" carton as shown in Exhibit-A hereto; so as to infringe the Plaintiffs copyright therein in any manner whatsoever ;

(b) that this Hon'ble Court be pleased to restrain the Defendants by themselves and / or through their directors, partners, proprietors, servants, agents, exporters, importers, stockist and / or otherwise howsoever by an order of perpetual injunction of this Hon'ble Court from in any manner using in relation to any medicinal and pharmaceutical preparation, the impugned trade mark 'NIMA POWER' and its carton thereof as shown in Exhibit-D hereto and / or any other trade mark and / or label and / or carton / packing material which is / are deceptively similar in any manner whatsoever to the Plaintiffs trade mark 'PIMA

POWER' and / or its carton thereof as shown in Exhibit-

A hereto, so as to pass off and / or enable others to pass off the Defendants medicinal and pharmaceutical preparation as and for that of the Plaintiffs, in any manner whatsoever”.

- ii. The Plaintiff is not pressing for cost and / or damages against the Defendants.
- iv. The Suit as well as Notice of Motion (L) No. 107 of 2015 are accordingly disposed of.
- v. Refund of Court Fees, if any, as per Rule.

(S.J. KATHAWALLA, J.)