

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
NOTICE OF MOTION NO. 312 OF 2015
IN
SUIT NO. 206 OF 2015
WITH
LEAVE PETITION NO. 17 OF 2015
IN
SUIT (L) NO. 74 OF 2015

Crown Worldwide Holdings Limited and Anr. ... Applicants /
Plaintiffs

Versus

Crown Relocations Movers and Packers ... Defendant

Mr.A.H. Kane a/w. Mr. Nikhil Sharma i/b. M/s. W.S. Kane and Company
for the Applicants / Plaintiffs.
None for the Defendant.

CORAM : S.J. KATHAWALLA, J.
DATED : 15TH JUNE, 2015

P.C.

1. Leave under Clause XIV of the Letters Patent of the High Court of Bombay is allowed.
2. Perused the order dated 30th January, 2015 passed by this Court (S.C. Gupte, J.). The Defendant has been informed about the order passed by this Court. The Defendant on 5th February, 2015 sent an email to the Plaintiffs, which reads as under :

"I like to inform that I will close my firm and remove my Website from server but my website designer admit in hospital because he suffering jaundice problem. So when he discharged from then I will remove my Website.

Hope you understand my problem and I expected positive response from your side pls same time.

Thanks and regards

Sursh Kumar

Crown relocation packers and movers

M.n."

3. However, the Defendant has till date not acted upon their assurance / promise set out in the said email and are continuing to use the words "Crown Relocations Packers and Movers" in their trading name thereby infringing the trade mark of the Plaintiffs 'Crown Relocations'. In view thereof, for the reasons set out in the order dated 30th January, 2015, the above Notice of Motion is allowed in terms of prayer clauses (a) and (b), which are reproduced hereunder :

"(a) that pending the hearing and final disposal of the Suit, the Defendant by itself, its directors, proprietor, partners, servants, agents and all persons claiming under it be restrained by temporary order and injunction of this Hon'ble Court from, whether in combination or otherwise howsoever, infringing the 1st Plaintiffs registered trade marks CROWN RELOCATIONS bearing registration No. 1237736 in class 39 and CROWN bearing registration No. 658129 in class 16 by

the use of the impugned trade mark and trading name and style CROWN RELOCATIONS MOVERS AND PACKERS and/or the impugned domain name www.crownrelocations.co.in and / or any other trade mark and / or trading name and style and / or domain name website deceptively similar to the 1st Plaintiff's registered trade marks CROWN RELOCATIONS and / or CROWN and / or containing the word CROWN in respect of the same / similar services as those in respect of which the 1st Plaintiff has secured aforesaid registrations or in any other manner whatsoever ;

(b) that pending the hearing and final disposal of the Suit, the Defendant by itself, its directors, proprietor, partners, servants, agents and all persons claiming under it whether in combination or otherwise howsoever be restrained by temporary order and injunction of this Hon'ble Court from rendering, offering, advertising or otherwise howsoever dealing with the impugned services or the like services under the impugned trade mark and trading name and style CROWN RELOCATIONS MOVERS AND PACKERS and / or by the use of the impugned domain name / website www.crownrelocations.co.in and / or any other trade mark / trading name and style and / or domain name / website deceptively similar to the Plaintiff's well known trade marks CROWN RELOCATIONS and / or CROWN and / or containing the word CROWN and / or any other word deceptively similar thereto so as to pass off or enable others to pass off its services and / or business as and for the well-known services and / or

business of the Plaintiffs or in any other manner whatsoever”.

4. The Writ of Summons be issued to the Defendant at the following addresses and made returnable on 22nd July, 2015.

- i. Crown Relocations Packers and Movers,
Balaji Complex, Harola, Sector-5 Noida, Opposite Fire Station,
Noida – 201301.
 - ii. Crown Relocations Packers and Movers,
Survey No. 12, Morya Park, Gali No. 2,
Pimple Gaurav, Pune – 411027.
- A copy of this order shall be forthwith served on the Defendant.

5. The above Notice of Motion is accordingly disposed of.

6. Place the Suit on 22nd July, 2015 for directions.

(S.J. KATHAWALLA, J.)