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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

LEAVE PETITION NO.30 OF 2015

IN

SUIT (L) NO.129 OF 2015

WITH

NOTICE OF MOTION (L) NO.383 OF 2015

IN

SUIT (L) NO.129 OF 2015

Ultratech Cement Ltd. And Anr. ...Plaintiffs

vs

Sri Sapthagiri Cement Industries ...Defendant

.....

Mr. V. Parelkar, i/b. V.A. Associates, for the Plaintiffs.

Ms. Olive J. D'souza, for the Defendant.

CORAM : S.C. GUPTE, J.

DATED: MARCH 5, 2015

P.C. :

. Learned Counsel for the Defendant tenders a vakalatnama on behalf of the Defendant.

2. Learned Counsel for the parties tender Consent Terms duly signed by the parties through their authorised representatives and their respective Advocates. The learned Counsel seek a decree in terms of the Consent Terms. The Consent Terms are taken on record marked "X" for identification. The statements and undertakings contained therein are

accepted. Leave is granted to the Plaintiffs under Clause 14 of the Letters Patent to combine the cause of action of passing off with the cause of action of infringement. The Suit is decreed in terms of the Consent Terms. No order as to costs. Refund of Court fees in accordance with the applicable rules.

3. In view of the disposal of the suit, the Notice of Motion does not survive and the same is also disposed of.

(S.C. GUPTE, J.)