

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION**

**NOTICE OF MOTION NO.447 OF 2015
IN
SUIT NO.243 OF 2015**

Blue Dart Express Ltd. ... Plaintiff
versus
M/s. Blue Dart Packers and Movers ... Defendant

Mr. Rashmin Khandekar with Mr. Rishabh Jogani i/by M/s. DSK Legal, for
Plaintiff.
None for Defendant.

CORAM: S.J. KATHAWALLA, J.

DATE: 3rd JULY, 2015

PC.:

1. Heard the learned Advocate for the Plaintiff. Perused the ad-interim order dated 18-03-2015. None appear for the Defendant, though served. Affidavit of substituted service dated 26-06-2015 is on record. For reasons set out in the order dated 18-03-2015, pending the hearing and final disposal of the Suit, the Notice of Motion is allowed in terms of prayer clause (a) which is reproduced hereunder :

“(a) that pending the hearing and final disposal of the suit, the Defendant by themselves, their officers, servants, dealers, agents or any person claiming through them be restrained by a temporary order and injunction of this Hon'ble Court from using in relation to their business/services the impugned mark

BLUE DART or any other deceptively similar mark/words so as to infringe the Plaintiff's registered trade mark at Exhibits "E-1 to E-57" hereto; or in any other manner whatsoever." "that pending the hearing and final disposal of the suit, the Defendant by themselves, their officers, servants, dealers, agents or any person claiming through them be restrained by a temporary order and injunction of this Hon'ble Court from using in relation to their business/services the impugned mark BLUE DART or any other deceptively similar mark/words so as to infringe the Plaintiff's registered trade mark at Exhibits "E-1 to E-57" hereto; or in any other manner whatsoever."

2. Liberty is granted to the Plaintiff to take out fresh Notice of Motion seeking further reliefs after the Petition under Clause 14 of the Letters Patent Act, is served on the Defendants.
3. The Notice of Motion is disposed of.

(S.J.KATHAWALLA, J.)