

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

SUIT NO.76 OF 2013

Orient Paper and Industries Ltd. ... Plaintiff
versus
Naresh M. Kakriya and Ors. ... Defendants

Mr. Awadh Bhoyar h/f Mr. Sachin Masurkar, for Plaintiff.
Mr. Hemant Engineer i/by M/s. Gordhandas and Fozdar, for Defendant Nos.1
and 3.
Mr. Rang Rai, Prop of Defendant No.2 present in person.

CORAM: S.J. KATHAWALLA, J.

DATE: 3rd JULY, 2015

PC.:

1. The Proprietor of Defendant No.2 is present in person. He submits to a decree in terms of prayer clauses (a), (b) and (d). The learned Advocate for the Plaintiff is not pressing for costs and/or damages against Defendant No.2. The Suit is accordingly decreed in terms of prayer clauses (a), (b) and (d) against Defendant No.2 which are reproduced hereunder :

“(a) that the Defendants by its servants, agents and distributors or representatives and the like be restrained by a perpetual orders of injunction fro in any manner, directly or indirectly, from using the mark 'Orient' or any other deceptively similar mark thereto is identical with and / or deceptively similar to all the registered and well known 'Orient' trademarks bearing registration Nos. 106063, 635755, 636060, 1397541,

1207126, 1207127, 1207128, 1207129, 1570044, 1569704, 1692220, 1653969 so as to infringe the Plaintiffs said registered trademarks ;

(b) that the Defendants by its servants, agents and distributors or representatives and the like be restrained by a perpetual orders of injunction from in any manner, directly and indirectly, from using the mark 'Orient' or any other deceptively similar to all the registered and well known 'Orient' trademarks so as to pass off the goods of the Defendants as and for the goods of the Plaintiff and / or enable others to pass of the same ;

(d) that the Defendants be ordered and decreed to deliver up to the Plaintiff for destruction thereof all the stationery, brochures, pamphlets, forms and all promotional advertising, literature, packing material, poly bags and other materials, articles and effects of the Defendants bearing the mark 'Orient' along with all stamps, dies, articles, papers and things, bearing the impugned mark 'Orient' and / or any other articles or materials used for printing the impugned marks / labels”.

2. Earlier by an order dated 22-06-2015, the Suit is already disposed of against Defendant Nos.1 and 3. In view thereof, the entire Suit now stands disposed of. Refund of Court Fees, if any, as per rules.

(S.J.KATHAWALLA, J.)