

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

SUIT NO. 1118 OF 2012

Isagro (Asia) Agrochemicals Private Limited ... Plaintiff

Versus

Safex Chemicals India Limited ... Defendant

ALONG WITH

NOTICE OF MOTION NO. 1553 OF 2012

IN

SUIT NO. 1118 OF 2012

WITH

LEAVE PETITION NO. 32 OF 2014

IN

SUIT NO. 1118 OF 2012

WITH

CHAMBER SUMMONS NO. 916 OF 2013

IN

SUIT NO. 1118 OF 2012

Mr. Nayan Rawal for the Plaintiff.

Mr. A.A. Kirpekar i/b. MAG Legal for the Defendant.

CORAM : S.J. KATHAWALLA, J.

DATED : 3RD AUGUST, 2015

P.C.:

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

- i. The Defendant, by itself, its Directors, agents are restrained by a

mandatory order and injunction from in any manner infringing and / or using in relation to any Agrochemicals, Pesticide, Fungicide, Herbicides related products the trademark 'ADMIT' or any other mark which is deceptively and confusingly similar to the Plaintiff's registered trademark 'ADMIT'.

ii. The Defendant undertakes to withdraw from the records of the Trade Mark Registry its application/s made for registration of the impugned mark under application No. 1801834 or any other application made for registration of the mark 'ADMIT' or any other deceptively mark thereto and to forward copy / copies of such withdrawal, duly acknowledged by the Trade Marks office to the Plaintiff, and further undertakes not to apply for registration of any mark which is identical with and / or are deceptively / substantially similar to the Plaintiff's trade mark of 'ADMIT'.

iii. The Defendant also undertakes to unconditionally withdraw the rectification Application filed by him against Plaintiff's mark 'ADMIT' details of which are set out hereunder :

IPAB Intellectual Property Appellant Board Chennai.

Original Application No. ORA/51/2013/TM/MUM/6936

(for the removal / rectification of Trade Mark No. 1801833 in class) The undertakings are accepted.

- iv. The Defendant is granted time upto 10th August, 2015 to dispose of all the impugned goods lying with the Defendant.
- v. In view of the above order, no cost and / or damages are claimed by the Plaintiff.
- vi. The Leave Petition, Notice of Motion, Chamber Summons as well as Suit are accordingly disposed.
- vii. Refund of Court Fees, if any, as per Rules.

(S.J. KATHAWALLA, J.)