

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

**NOTICE OF MOTION (L) NO.1457 OF 2015
IN
SUIT (L) NO.538 OF 2015**

Ultratech Cement Ltd. and Anr.	...	Plaintiffs
versus		
Pangli Cement Co.Pvt. Ltd. and Ors.	...	Defendants

Mr. Amit Jamsandekar i/by M/s. V.A.Associates, for Plaintiffs.
None for Defendants.

CORAM: S.J. KATHAWALLA, J.

DATE: 3rd JULY, 2015

PC.:

1. The present Suit is filed to prevent the acts of infringement and passing off and unfair trading committed by the Defendant by using the marks “Ultra-HiTech CEMENT, UltraEiTech Cement, Ultra Gold Cement, Ultra PCC, Ultra HI Tuck” which the Plaintiffs have stated are identical with and or deceptively similar to the registered “Ultra-Tech” trademarks of Plaintiffs.

2. By the above Notice of Motion, the Plaintiffs have sought reliefs restraining the Defendants from infringing the registered trademark “Ultra-Tech and to further restrain the Defendants from passing of their goods as that of the Plaintiffs. By a detailed order dated 11-06-2015, ad-interim reliefs were granted in terms of prayer clauses (a) and (b) of the Notice of Motion to

the Plaintiffs. A copy of the order dated 11-06-2015 is served on the Defendants. However, the Defendants have not come forward to defend the Suit. In view thereof, for reasons set out in the order dated 11-06-2015, the Notice of Motion is allowed in terms of prayer clauses (a) and (b), which are reproduced hereunder :

(a) Pending the hearing and final disposal of the Suit, the Defendants by themselves and/or by their servants, agents and distributors or representatives or any person claiming through or under them and the like be restrained by a temporary order and injunction from in any manner in relation to any of its goods from using the marks/labels containing the words “UltraHiTech Cement” and/or “UltraEiTech Cement” and or “Ultra Gold Cement” and/or “ULTRA PCC” and/or “ULTRA HI TUCK” together or by themselves and/or any other mark or the impugned mark being Exhibit G-G3 or any other deceptively similar words written in a stylized manner or in any manner which is identical with and/or deceptively similar to all the registered and well known “UltraTech” trademarks or parts thereof bearing Registration Nos.1244745, 1326528,1575299, 1544648, 1544649, 1340606, 1525671, 1525672, 1908355, 1908356, 2080447 and 2080448 so as to infringe the Plaintiffs said registered trademarks ;

(b) Pending the hearing and final disposal of the suit, the Defendants by themselves, their servants, agents, representatives or any person claiming through or under them

and the like be restrained by a temporary order and injunction of this Hon'ble Court from using in any manner and in relation any of the goods bearing the marks/labels containing the words "UltraHiTech Cement" and/or "UltraEiTech Cement" and/or "Ultra Gold Cement" together or by themselves or with any other word or device and/or any other mark or the impugned mark being Exhibit G-G3 or any other deceptively similar words written in a stylized manner or in any manner and/or any other deceptively similar marks to the Plaintiff's "UltraTech" trademarks or parts thereof so as to pass off and/or enable others to pass off the Defendant's goods as and for the goods of the Plaintiffs or in some way connected with the Plaintiffs;

3. The Notice of Motion is accordingly disposed of.
4. The Defendants to file their Written Statements on or before 4th August, 2015. Stand over to 5th August, 2015.
5. The learned Advocate for the Plaintiffs shall remove office objections, if any, and get the Suit as well as Notice of Motion numbered within a period of one week from today, failing which the Suit and the Notice of Motion shall stand dismissed without reference to this Court.

(S.J.KATHAWALLA, J.)