

Shephali

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
SUIT NO. 176 OF 2015**

Asian Paints Limited	...Plaintiff
<i>Versus</i>	
New President Colour & 2 Ors.	...Defendants

Mr. Vinod Bhagat, *with Mr. Punit Jani, i/b G.S. Hegde & V.A. Bhagat, for the Plaintiff.*

Mr. Prashant Mody, *partner of New President Colour is present in person.*

CORAM: G.S. PATEL, J
DATED: 15th September 2015

PC:-

1. Mr. Prashant Mody is personally present in Court. He hands over a Demand Draft in favour of the Plaintiff in the sum of Rs. 1.25 lakhs. Mr. Bhagat, on instructions, accepts this in full and final settlement and satisfaction of the Plaintiff's case for damages based on this particular cause of action. The Defendants have agreed and undertaken to this Court in terms of prayer clauses (a), (b) and (c). The Suit is decreed in terms of prayer clauses (a), (b) and (c).

2. As regards prayer clause (d), which relates to the destruction of goods under the offending mark, at the request of the Defendants, they are allowed to reuse the product under their own

brand but without in any way infringing either the Plaintiff's or any other person's registered marks. It is clarified that this order and direction requires the Defendants to remove the goods from the packaging and to destroy all packaging bearing the infringing marks. This will be done in the presence of the Plaintiff's representative on 26th September 2015.

3. As regards prayer clause (e), the Defendants agree and undertake to withdraw their applications for registration and, hence, there will also be a decree in terms of prayer clause (e). The Defendants are directed to withdraw the application for registration on or before 30th September 2015. A copy of the withdrawal application duly stamped and acknowledgement of the Trade Mark Registry will be furnished by the Defendants to the Advocates for the Plaintiff.

4. The Suit is decreed in these terms. Refund of court fee, if any, in accordance with the Rules. Drawn up decree dispensed with.

5. All concerned to act on an authenticated copy of this order.

(G. S. PATEL, J.)

CERTIFICATE

"Certified to be a true and correct copy of the original signed Judgment/Order."