

Shephali

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
SUIT (L) NO. 880 OF 2015
WITH
NOTICE OF MOTION (L) NO. 2360 OF 2015**

M/s. Jawed Habib Hair & Beauty Ltd.	...Plaintiff
<i>Versus</i>	
M/s. Ritu Jewels Pvt. Ltd. & 2 Ors.	...Defendants

Ms. Pritam Joshi, *for the Plaintiff.*
Mr. Sunil Kumar, *for the Defendants.*
Mr. Arun Sharma, *Defendant No. 2, in person.*

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

PC:-

1. Learned Advocate for the Defendants makes a statement, on instructions from Defendant No. 2, Mr. Arun Sharma who is personally present in Court, that the Defendants have already removed the image of the Plaintiff's brand ambassador and chief promoter Mr. Jawed Habib from their commercial premises at Shopprix Mall, Gaziabad. They have discontinued and removed all sign-boards, posters and other signages showing the name of either the Plaintiff (a limited company) or Mr. Jawed Habib himself. Mr.

Sharma, the 2nd Defendant, states that in any case the 1st Defendant was not using the mark at any time, but only the 2nd Defendant did so previously through his sole proprietorship concern. For our present purposes, this makes no difference.

2. The 2nd Defendant gives an undertaking for himself as also for Defendants Nos. 1 and 3 that the Defendants will not henceforth directly or indirectly use the Plaintiff's registered mark or any other mark or logo similar deceptively similar to it in any manner without specific written authorization from the Plaintiff. This statement is accepted as an undertaking to the Court.

3. In view of this, the following order is passed by consent.

- (a) The Suit is called out and taken up for final disposal. The Defendants waive service.
- (b) The Suit is decreed in terms of the undertakings recorded above.
- (c) There will be no order as to costs.
- (d) Refund of court fee, if any, in accordance with the Rules.
- (e) Drawn up decree is dispensed with.

4. In view of disposal of the Suit, nothing survives in the Notice of Motion and the same is disposed of as such.

5. Learned Advocate for the Defendants undertake to file vakalatnama within one week from today.

(G. S. PATEL, J.)

CERTIFICATE

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