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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

NOTICE OF MOTION NO. 4431 OF 2007

IN

SUIT NO. 3203 OF 2007

AND

NOTICE OF MOTION NO. 2676 OF 2009

IN

SUIT NO. 1896 OF 2009

Parle Products Pvt. Ltd.

...Plaintiff

Versus

Parle Agro Pvt. Ltd.

...Defendant

Dr. Veerendra Tulzapurkar, Senior Advocate, with Mr. Ramesh Gajria, i/b M/s. Gajria & Co., for the Plaintiff.

Mr. Phiroz Palkhiwala, with Mr. Xerxes Ranina & Ms. Niyati Davawala, i/b Neolegal Associates, for the Defendant.

CORAM: G.S. PATEL, J

DATED: 14th September 2015

PC:-

1. Parties agree that reasons are not required for the following order disposing of Notice of Motion No. 4431 of 2007 in Suit No. 3203 of 2007 and Notice of Motion No. 2676 of 2009 in Suit No. 1896 of 2009.

2. The consent order previously agreed to by the parties and dated 8th October 2009 in Appeal No. 56 of 2009 in Notice of

Motion No. 4431 of 2007 in Suit No. 3203 of 2007 is extended until the final disposal of both these suits.

3. Parties will be at liberty to apply for further orders (including for vacating the present order) in the event that either:-

- (a) the Defendant obtains registrations of the trademark “PARLE” in Class 30 permitting it to use that trade mark for such goods being the subject matter of the current Suit; or
- (b) The Plaintiff is no longer the registered Proprietor of the trade mark “PARLE” in Class 30.

4. The Trade Mark Registry is requested to dispose of the examination of all applications made by the Defendant containing the word “PARLE” at its earliest possible convenience. It goes without saying that these applications by the Defendant will be decided on their own merits, the pendency of these two suits notwithstanding.

5. Both the Notices of Motions are disposed of in these terms with no order as to costs.

(G. S. PATEL, J.)

CERTIFICATE

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

