

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

**SUIT NO.198 OF 2015
WITH
NOTICE OF MOTION NO.556 OF 2015**

Sab Miller India Limited	...	Plaintiff
versus		
Dynamic Beverages Pvt. Ltd.	...	Defendant

Mr. Rahul Ajatshatru i/by M/s. Anand and Anand, for Plaintiff.
Mrs. Archana Singh, for Defendant.

CORAM: S.J. KATHAWALLA, J.

DATE: 18th JUNE, 2015

P.C.:

1. Heard the learned Advocates for the parties and by consent, the following order is passed :

(i) The Suit is decreed in terms of prayer clauses (a), (b), (c) and (d) which are reproduced hereunder :

(a) Pass a decree of permanent injunction restraining the Defendant, its partners or proprietors as the case may be, its officers, servants, agents, distributors, stockists and representatives from manufacturing, selling and/or offering for sale, advertising, directly or indirectly dealing in packed/package drinking water or goods of any description bearing the FOSTER'S trademarks as described in the suit or

any deceptively similar trademark and/or label amounting to an infringement of Plaintiff's registered trademarks;

(b) Pass a decree of permanent injunction restraining the Defendant, its partners or proprietors as the case may be, its officers, servants, agents, distributors, stockists and representatives from manufacturing, selling and/or offering for sale, advertising, directly or indirectly dealing in packed/package drinking water or goods of any description bearing the FOSTER'S trademarks as described in the suit or any deceptively similar trademark and/or label amounting to passing off the Defendants' goods as those of the Plaintiff;

(c) Pass a decree of permanent injunction restraining the Defendant, its partners or proprietors as the case may be, its officers, servants, agents, distributors, stockists and representatives from reproducing, distributing, selling and/or offering for sale, advertising, directly or indirectly infringing the copyright contained in the Plaintiff's labels;

(d) pass a decree of permanent injunction restraining the Defendant, its partners or proprietors as the case may be, its officers, servants, agents, distributors, stockists and representatives from using the trademarks, label logo or device, which are identical or deceptively or confusingly similar to the Plaintiff's FOSTER'S trademark or any similar trademark so as to misrepresent its quality/origin and take unfair advantage of the Plaintiff's reputation and goodwill in the said trademarks or any similar trademark amounting to unfair competition and/or causes or tends to cause dilution of

the Plaintiff's abovementioned trademarks;

2. Liberty is granted to the Plaintiff to press for relief sought in prayer clause (e) in appropriate proceedings.
3. The learned Advocate for the Plaintiff is not pressing for any costs/damages against the Defendant.
4. The Suit is accordingly disposed of. Refund of Court Fees, if any, as per rules. The Notice of Motion also stands disposed of.

(S.J.KATHAWALLA, J.)