

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**ORDINARY ORIGINAL CIVIL JURISDICTION****SUIT NO. 1006 OF 2014****with****NOTICE OF MOTION NO. 1597 OF 2014**

Nazirahmed Nasibdar

...Plaintiff

vs.

Call – A - Diaper trading as Hemil Distributors
and Marketing & Anr.

...Defendants

Mr.Pradeep Vade i/b. M/s.Pradeep Vade Associates for Plaintiff.

Mr.Madhusoodanan Nair i/b. M/s. KPMC Legal for Defendants.

CORAM : S.C. GUPTE, J.**13 MARCH 2015****P.C. :**

By consent of the parties, this suit is disposed of by passing the following order :

(i) Defendant No.2 shall not use the name 'COMFI' independently or in combination with any other name with effect from the date of this order.

(ii) Defendant No.2 shall not hereafter sell its product, Adult diapers, with the use of the mark 'Comfi' to any of its distributors. Defendant No.2 shall recall the entire stock lying with its distributors bearing the mark 'Comfi'.

(iii) The Plaintiff agrees to allow Defendant No.2 time of four weeks to recall the stock from its about 20 distributors.

(iv) Defendant No.2 agrees to provide a statement of

the pending stock in its warehouse and lying with the distributors within 15 days of this order.

2 In view of the disposal of the suit, nothing survives in the Notice of Motion and the same is also disposed of.

(S.C. Gupte, J.)