

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
NOTICE OF MOTION (L) NO.3158 OF 2015
IN
SUIT (L) NO.1213 OF 2015**

Kalpataru Properties Pvt. Ltd.

... Plaintiff

versus

Kalptaru Agro India Ltd. And Ors.

... Defendants

Dr. V.V.Tulzapuarkar, Senior Advocate with Mr. Amit Jamsandekar I/by M/s. V.A.Associates, for Plaintiff.

None for Defendants.

CORAM: S.J. KATHAWALLA, J.

DATE: 23rd DECEMBER, 2015

P.C.:

1. On 26-11-2015 and 10-12-2015, this Court passed ad-interim orders in terms of prayer clauses (a) (I) and (a) (II) respectively, which clauses are reproduced hereunder :

“(a) that pending the hearing and final disposal of the Suit, the Defendants by themselves, their servants, agents, representatives or any other person claiming through or under them or otherwise howsoever be restrained by a temporary order and injunction from in any manner, directly or indirectly;

(I) using in relation to its business or services the mark “Kalptaru” or any other deceptively similar mark or the word “KALPATARU” or any other deceptively similar word as a part of its mark and or domain name so as to infringe the Plaintiff's registered and well known trade marks mentioned in Exhibit B1 to B32 hereto;

(II) using in relation to its business or services the impugned mark “Kalptaru” or any other deceptively similar mark and/or the word “KALPATARU” or any other deceptively similar word in any manner so as to pass off or enable others to pass off the Defendant's services and/or business as and for that of the Plaintiff's and/or some way connected with or emanating from the Plaintiff's;

2. Today, the above Notice of Motion is taken up for hearing and final disposal. However, none appear for the Defendants despite service. In view thereof, for reasons stated in the order dated 26-11-2015, pending the hearing and final disposal of the Suit, the orders passed by this Court dated 26-11-2015 and 10-12-2015 stand confirmed. The Notice of Motion is accordingly disposed off.

4. Plaintiff shall get the Writ of Summons issued and served on the Defendants. The Writ of Summons shall be made returnable on 25-01-2016. Stand over to 25-01-2016.

(S.J.KATHAWALLA, J.)