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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
NOTICE OF MOTION NO. 59 OF 2016
IN
SUIT NO. 540 OF 2015**

Neon Laboratories Limited ...Plaintiffs
Versus
Neon Pharmaceuticals Private Limited & Another ...Defendants

Mr. Virag Tulzapurkar, Senior Advocate, with Mr. Gireesh U.G. Memon, i/b Mr. Sunil N. Nair, for the Plaintiffs.

**CORAM: G.S. PATEL, J
DATED: 11th August 2016**

PC:-

1. There is an ad-interim order dated 28th January 2016. There is no Affidavit in Reply although the Notice of Motion has been served. The ad-interim order (S.C. Gupte, J.) covers seven registered marks. There is no reason why it should not be confirmed as the final order on the Notice of Motion.

2. In addition, now that leave has been granted under Clause XIV of the Letters Patent, further relief in passing off can also be granted.

3. The Notice of Motion is made absolute in terms of prayer clauses (a), (b) and (c).
4. The Court Receiver appointed under prayer clause (c) will visit the Defendants' locations, seal the offending goods and make an inventory. He is to make a Report within two weeks of his executing his commission.
5. The Court Receiver need not give advance notice to the Defendants before making the site inspection. The local Police Authorities shall render all possible assistance to the Court Receiver and shall act on an authenticated copy of this order.
6. The Plaintiff will communicate an authenticated copy of this order to the Receiver within two working days of this order being uploaded.
7. The Notice of Motion is disposed of in these terms with costs. Liberty to the Plaintiffs to apply.
8. In addition, the Plaintiffs will be entitled to recover the actual costs of this Notice of Motion at the time of final hearing of the Suit.

(G. S. PATEL, J.)