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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
NOTICE OF MOTION NO. 1909 OF 2015
IN
SUIT NO. 908 OF 2015**

Asian Paints Limited	...Plaintiffs
<i>Versus</i>	
Kamal Agarwal	...Defendant

Mr. V.A. Bhagat, i/b G.S. Hegde & V.A. Bhagat, for the Plaintiffs.
Mr. Shantanu Chandratre, for Defendants Nos. 1 & 2.

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

PC:-

1. There was an ad-interim order dated 3rd February 2015 (S.C. Gupte, J.) and a subsequent order dated 29th June 2015 (S.J. Kathawalla, J.). For the reasons set out in these two orders, the reliefs granted therein are confirmed as the final order on this Notice of Motion.

2. Now that leave has been granted under Clause XIV, there will also be a further interim order in terms of prayer clause (b) of the Notice of Motion.

3. I notice that there is an Affidavit in Reply. However, the learned Advocate for the Defendants today makes a statement that Defendants Nos. 1 and 2 are not in fact making any use at all of the infringing marks in any manner whatsoever. He requests for time to take instructions as to whether Defendants Nos. 1 and 2 are willing to submit to a decree in the Suit provided there is no prayer in damages against them. Both sides will take instructions.

4. The Notice of Motion is disposed of in these terms with no order as to costs.

5. List the Suit for directions/consent order on 19th September 2016.

(G. S. PATEL, J.)