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

SUIL (L) NO. 146 OF 2016

WITH

NOTICE OF MOTION (L) NO. 624 OF 2016

IN

SUIL (L) NO. 146 OF 2016

Maharashtra Hybrid Seeds Company Pvt.Ltd. ...Plaintiff

Versus

Namdeo Umaji Agritech (India) Pvt.Ltd. ...Defendant

Mr. Himanshu Kane, a/w Mr. Ashutosh Kane and Ms. Akshata Kamath, i/b W.S. Kane & Co., for the Plaintiff.

CORAM : S.C. GUPTE, J.
DATE : 26th February 2016

P.C. :

1. This is a trade mark infringement and passing off Suit. The Plaintiff is a registered proprietor of the trade mark '**SIERRA**' in Class 31 in respect of agricultural seeds.

2. The grievance of the Plaintiff is that the Defendant is infringing the Plaintiff's trade mark and also passing off its goods as goods of the Plaintiff.

3. Mr. Mohan P. Godse, authorised representative of the Defendant, appears in person in Court. He produces an authority letter dated 26th February 2016 signed by the Director of the Defendant authorising him to represent the Defendant before this Court in person. The photo identity of the authorised representative is verified by this Court. It is taken on record and marked '**X**' for identification.

4. The authorised representative submits to a decree in terms of prayer clauses (a), (b) and (c). In view of such submission to decree, learned Counsel for the Plaintiff does not press prayer clause (c) in respect of damages or any order of costs.

5. Accordingly, the Suit is disposed of as follows :-

(i) There will be a decree on admission in terms of prayer clauses (a), (b) and (d) of the Plaint.

(ii) The Suit in terms of prayer clause (c) of the Plaint is dismissed, as not pressed.

(iii) The authorised representative of the Defendant states that the disposal of material referred to in prayer clause (d), shall be accomplished within

the period of 15 days from today in the presence of a representative of the Plaintiff. The statement is accepted.

(iv) No order as to costs.

(v) Refund of Court fees in accordance with the applicable rules.

(vi) In view of this order disposing of the Suit, the Notice of Motion does not survive and the same is also disposed of.

[S.C. GUPTE, J.]