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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
NOTICE OF MOTION (L) NO. 771 OF 2016
IN
SUIT (L) NO. 188 OF 2016

Ajanta Pharma Limited	...Plaintiff
<i>Versus</i>	
Anchal Lifescience Pvt. Ltd. & Anr.	...Defendants

Mr. Ashutosh Kane, *a/w Ms. Niyati Davawala, i/b W. S. Kane & Co., for the Plaintiff.*
None *for Defendant No. 1.*
Mr. Kedar Dave, *i/b Mr. Kishor Goswami, for Defendant No. 2.*
Mr. Bijal Girishchandra Bramhabhatt, *partner of the 2nd Defendant.*

CORAM: G.S. PATEL, J
DATED: 1st April 2016

PC:-

1. Mr. Kane tenders an Affidavit of Service dated 1st April 2016 evidencing service on the 1st Defendant. None appears for the 1st Defendant. It is to be noted that service on the 1st Defendant has been effected successfully at the addressed obtained by the Plaintiff from the record of the Registrar of Companies.

2. I have by a separate order passed today allowed the Petition or leave under Clause XIV of the Letters Patent.

3. Since none appears for the 1st Defendant despite service, the ad-interim order dated 8th March 2016 is confirmed as a final order on the Notice of Motion as against the 1st Defendant.

4. In addition, now that leave under Clause XIV has been granted, there will also be an order in terms of prayer clause (b) against the 1st Defendant. Prayer clauses (a) and (b) of the Notice of Motion read as follows:

“(a) that pending the hearing and final disposal of the suit, the Defendants by themselves, their directors, servants, stockists, dealers, distributors, agents and all person claiming through them be restrained by a temporary order and injunction of this Hon’ble Court from infringing the Plaintiff’s trade mark MINONIL bearing Registration No. 1035827 in class 05 by use of the impugned trade mark MINOWILL or any other trade mark deceptively similar to the Plaintiff’s registered trade mark MINONIL bearing Registration No. 1035827 in class 05 in respect of medicinal and pharmaceutical preparations or in any other manner whatsoever;

(b) that pending the hearing and final disposal of the suit the Defendants by themselves, their directors, servants, stockists, dealers, distributors, agents

and all persons claiming through them be restrained by a temporary order and injunction of this Hon'ble Court from manufacturing and/or marketing and/or selling and/or advertising and/or exporting and/or trading in and/or otherwise dealing in medicinal and pharmaceutical preparations bearing the impugned trade mark MINOWILL or any other trade mark deceptively similar to the Plaintiff's well-known trade mark MINONIL so as to pass off or enable others to pass off the Defendants' impugned goods as and for the Plaintiff's well-known goods or in any other manner whatsoever."

5. The Notice of Motion is disposed of in these terms. The Plaintiffs will be entitled to recover the costs of the Notice of Motion at the time of final disposal of the Suit from the 1st Defendant.

(G. S. PATEL, J.)