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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
CHAMBER SUMMONS (L) NO. 768 OF 2016
IN
SUIT (L) NO. 175 OF 2016**

Ultratech Cement Limited & Anr.	...Plaintiffs
<i>Versus</i>	
Salsar Cement & 4 Ors.	...Defendants

Dr. Veerendra Tulzapurkar, Senior Advocate, with Mr. Amit Jamsandekar, Ms. Alka Parelkar, Ms. Esha Trivedi, i/b V. A. Associates, for the Plaintiffs.
Mr. Kewal Sanghavi, i/b Legal Assistance, for Defendants.

**CORAM: G.S. PATEL, J
DATED: 13th April 2016**

PC:-

1. This is the Defendants' Chamber Summons seeking dismissal of the Suit or in the alternative stay of the Suit. I have heard Mr. Sanghavi for the Defendants at some length.

2. It does not appear to me that the Chamber Summons makes out any cause for a *in limine* dismissal of the Suit on the ground of territorial jurisdiction. The Defendants have raised several questions of maintainability of the action including *inter alia* on the basis that they have discontinued use of the impugned mark after

receiving a cease and desist notice from the Plaintiffs' Advocate; and, secondly, that they are now, or at least since 2015, using only their own registered mark which is shown at page 235 of the Plaint, (Exhibit "H3").

3. These are obviously matters that will require consideration at an appropriate stage. All contentions in this behalf are expressly kept open on both sides. It is also left open to the Defendants to canvass these contentions at the hearing of the Plaintiffs' Notice of Motion, or at the stage of any ad-interim application in that Notice of Motion, or at the final hearing of the Suit.

4. In view of these observations, the Defendants seek leave to withdraw the Chamber Summons with liberty to raise these contentions as observed aove. The Chamber Summons is dismissed as withdrawn with liberty as prayed.

(G. S. PATEL, J.)