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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
NOTICE OF MOTION (L) NO. 1061 OF 2016
IN
SUIT (L) NO. 161 OF 2016**

Maximus Mice and Media Solutions Pvt. Ltd. & ...Plaintiffs
Anr.

Versus

IDL Foundation & Anr. ...Defendants

Mr. Ankit Lohia, *with Ms. Priyanka Khimani, i/b Khimani & Associates, for the Plaintiffs.*

Mr. Bidhan Chandran, *with Mr. Raja Ratan Bhura, Mr. S. Sarambalkar, Mr. Rajdeep L., i/b Singhania Legal Services, for the Defendants.*

CORAM: G.S. PATEL, J
DATED: 30th March 2016

PC:-

1. Heard.

2. An order was passed on 15th March 2016. I expected both parties, and particularly the 2nd Defendant, a person who styled himself as one Dr. P.K. Paul, to obey that order in letter and in spirit. This gentleman has done neither. It was on his assurance and his handwritten Affidavit voluntarily given in Court and affirmed by

the Associate of this Court, that the Suit itself was disposed of. Further, the then pending Contempt Application, being Notice of Motion (L) No. 859 of 2016, was not pressed by Mr. Lohia on that basis. Rather than following that order, what the 2nd Defendant did was effectively to cast aspersions on the Plaintiff for opposing his use of a protected mark “PINKATHON”.

3. The record shows that this mark is one over which the Plaintiffs have proprietary rights and that the Defendants have purported to use it without authority or license from the Plaintiffs. The only defence that I can see, and one that is repeatedly taken by the Defendants, is that they have used this mark “for a worthy cause”. I very seriously doubt that. Just because the Defendants have sought to use the mark for an event for the benefit of persons who have disabilities, this does not confer on the Defendants a license to act either in breach of the law or, most emphatically, in violation of the orders of this Court. I doubt that there can be any worthies cause than a completely slavish adherence to judicial orders. That is never optional. Orders of the Court are not recommendations that the 2nd Defendant can choose to follow or not follow at his will.

4. This Notice of Motion needs to be made absolute immediately. It only seeks that the Suit and the Plaintiffs’ previous Notices of Motions be revived.

5. In my order dated 15th March 2016, I specifically reserved the liberty to the Plaintiffs to make just such an application. This is set out in paragraph 8 of that order. The order sought in the present

Notice of Motion is a matter that is entirely between Mr. Lohia and this Court. It has nothing whatever to do with the 2nd Defendant. There is no question of the 2nd Defendant opposing the grant of this relief. If the Plaintiff is able to point out, as I believe it has, that the Defendants have *prima facie* not acted in accordance with the order of 15th March 2016, then the question of restoration of the Suit and Notices of Motions is purely within the discretion of this Court. What the Defendants have to say on the subject is wholly irrelevant.

6. The present Notice of Motion is made absolute in terms of prayer clause (a). Suit (L) No. 161 of 2016 as amended is restored to file. All applications and orders therein are immediately reinstated. Notice of Motion (L) No. 656 of 2016 and Notice of Motion (L) No. 859 of 2016 are both restored to file.

7. The present Notice of Motion is disposed of in these terms.

8. The previous Notice of Motion (L) No. 656 of 2016 and Notice of Motion (L) No. 859 of 2016 are to be listed on Friday, 1st April 2016 on the supplementary board for directions.

9. I expect the 2nd Defendant to remain personally present in Court. This may be treated as a summons.

(G. S. PATEL, J.)