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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
SUIT (L) NO. 403 OF 2016
WITH
NOTICE OF MOTION (L) NO. 1326 OF 2016

VHB Life Sciences Limited	...Plaintiff
<i>Versus</i>	
Zaneka Healthcare Limited & Another	...Defendants

Dr. V. Tulzapurkar, Senior Advocate, *i/b Mr. Sunil N. Nair, for the Plaintiff.*
Mr. Aagam Doshi, *i/b Minal Doshi, for Defendant No. 2.*
Mr. A.D. Kamble, *Master from the Office of Court Receiver, is present.*

CORAM: G.S. PATEL, J
DATED: 15th June 2016

PC:-

1. An ad-interim order was passed on 3rd May 2016. This was an *ex parte* ad-interim order. The Suit and the Notice of Motion have been served. Leave has today separately been granted in the Petition under Clause XIV of the Letters Patent.

2. Learned Advocate for the Defendants states, on instructions, that the Defendants are willing to submit to a decree in terms of prayer clauses (a) and (b). The statement is accepted as an

undertaking to the Court. The Suit itself is decreed against the Defendants in these terms. Prayers (a) and (b) are set out below:

“(a) that the Defendants by themselves, their servants and agents be restrained by a perpetual order, injunction of this Hon'ble Court from in any manner infringing the Plaintiff's trade mark “PIPTAZ” and/or using the impugned trade mark “PIP-TAZ” in respect of pharmaceutical products and/or using the impugned trade mark “PIP-TAZ” or any other trade mark or word deceptively similar to the Plaintiff's registered trade mark “PIPTAZ” so as to infringe the Plaintiff's registered trade mark bearing No. 1178132;

(b) that the Defendants by themselves, their servants and agents be restrained by a perpetual order, injunction of this Hon'ble Court from in any manner using the impugned trade mark “PIP-TAZ” in respect of pharmaceutical products or selling and/or using the impugned trade mark “PIP-TAZ” or any other trade mark or word or any mark deceptively similar to the Plaintiff's registered trade mark “PIPTAZ” so as to pass-off or enable others to pass-off the Defendants goods and/or any goods not manufactured by the Plaintiff as and for the goods of the Plaintiff.”

3. In view of disposal of the Suit, the Notice of Motion does not survive and is disposed of as such.

4. The Court Receiver to stand discharged without passing accounts on payment of his costs, charges and expenses by the Plaintiff.
5. Refund of Court Fee, if any, in accordance with the Rules.
6. All concerned to act on an authenticated copy of this order.

(G. S. PATEL, J.)