

ATUL

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
NOTICE OF MOTION (L) NO. 1332 OF 2016
IN
SUIT (L) NO. 407 OF 2016

Dr. Ashok M. Bhat

...Plaintiff

Versus

J.G. Sons

...Defendant

Mr. Vinod Bhagat, with mr. Puneet Jani, i/b M/s. G.s. Hegde & V.A.
Bhagat, for the Plaintiff.

Mr. Abhishek Pandurangi, for the Defendant.

CORAM: G.S. PATEL, J

DATED: 6th May 2016

PC:-

1. On written instructions, the learned Advocate for the Defendant submits to an interim injunction in terms of prayer clauses (a) and (b) of the Notice of Motion, which reads thus:

“(a) that pending the hearing and final disposal of the suit, the Defendant by himself, his heirs, servants, agents, assignees, transferees and all those connected with him in his business be restrained by an order and injunction of this Hon’ble Court from in any manner manufacturing, marketing, selling and/or using in any manner whatsoever in

relation to his cosmetic preparations including cold creams meant for the face and body and other like goods, the impugned mark GRAND NOVA or any mark deceptively similar thereto being identical to the Plaintiff's trade mark NOVA so as to infringe the Plaintiff's trade mark NOVA registered under Nos. 126501, 126502, 729924, 729925, 1070856 and 1070857 all in class 03;

- (b) that pending the hearing and final disposal of the suit, the Defendant by himself, his heirs, servants, agents, assignees, transferees and all those connected with him in his business be restrained by an order and injunction of this Hon'ble Court from in any manner manufacturing, marketing, selling and/or using in any manner whatsoever in relation to his cosmetic preparations including cold creams meant for the face and body and other like goods, the impugned mark GRAND NOVA or any mark confusingly similar thereto being identical to the Plaintiff's distinctive and reputed trade mark NOVA so as to pass off the Defendant's goods and business or enable others to pass off the Defendant's goods and business as and for those of the Plaintiff or in some way connected therewith;"

2. The Notice of Motion is disposed of in these terms.
3. List the Suit for directions on 27th July 2016 high on board.

(G. S. PATEL, J.)