

ATUL

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
SUIT (L) NO. 421 OF 2016
WITH
NOTICE OF MOTION (L) NO. 1361 OF 2016

Meher Distilleries Private Limited	...Plaintiffs
<i>Versus</i>	
Hindustan Distilleries	...Defendants

Mr. Himanshu Kane, *with Mr. Nikhil Sharma & Mrs. Shruhita Amit, i/b W.S. Kane & Co., for the Plaintiffs.*

Mr. Haresh Soni, *Authorized Representative of the Plaintiff, is present.*

Mr. Pravin Agarwal, *Authorized Representative of the Defendant, is present.*

CORAM: G.S. PATEL, J
DATED: 6th May 2016

PC:-

1. Mr. Chandrabhan Atmaram Agarwal, a partner of the Defendant, has authorized Mr. Pravin Chandrabhan Agarwal to appear in this matter. Mr. Pravin Agarwal is present in Court. On behalf of the Plaintiff, Mr. Haresh Soni is present in Court.

2. I am shown a declaration dated 5th May 2016 signed by Mr. Chandrabhan Agarwal stating that the Defendant is not using the

Plaintiff's trade mark embossed bottles intentionally for its products and that the Defendant will take proper care and caution not to use the Plaintiff's bottles in the Defendant's plant. The Authority letter and declaration are taken on record and marked "X" and "X1" respectively on record.

3. Mr. Kane and Mr. Pravin Agarwal are agreed that on these statements being accepted as undertakings to the Court, which they are, the Suit can be decreed in terms of prayer clauses (a), (b) and (c), which I declined to set out below simply because of the excessive use of graphics in these prayers. In view of this, Mr. Kane does not press his prayer for damages. The Defendants also agree and undertake to return to the Plaintiff all bottles bearing Plaintiff's impugned mark and for which the Plaintiff will pay some agreed reasonable amount.

4. Leave under Clause XIV has been separately granted today.

5. The Suit is decreed in the above terms. Drawn up decree dispensed with.

6. In view of disposal of the Suit, nothing further survives in the Notice of Motion and it is disposed of as such. Refund of court fee, if any, in accordance with the Rules.

7. All concerned to act on an authenticated copy of this order.

(G. S. PATEL, J.)