

ATUL

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
NOTICE OF MOTION (L) NO. 1360 OF 2016
IN
SUIT (L) NO. 422 OF 2016

Meher Distilleries Private Limited ...Plaintiff
Versus
Padmashri Dr. Vithalrao Vikhe Patil Sahakari ...Defendant
Sakhar Karkhana Limited

Mr. Himanshu Kane, *with Mr. Nikhil Sharma, i/b W.S. Kane & Co.,*
for the Plaintiff.
Mr. Pankaj Savant, **Senior Advocate**, *i/b Mr. Prashant*
Dharandale, for the Defendant.

CORAM: G.S. PATEL, J
DATED: 4th May 2016

PC:-

1. Mr. Savant's statement on instructions from the Defendant that there is no intention to use bottles embossed with the Plaintiffs' mark is noted.
2. The ad-interim order dated 22nd April 2016 along with an injunction in terms of prayer clause (c) will dispose of the Notice of Motion finally. Prayer clause (c) (without a representation of the

mark; that representation is to be read from the previous order) reads thus:

“(c) that pending the hearing and final disposal of the Suit, the Defendant by itself, its office bearers, servants, agents, stockists, distributors and dealers and all persons claiming under it be restrained by an order and temporary injunction of the Hon’ble Court from manufacturing, bottling, marketing, selling, exhibiting for sale and/or distributing, keeping in possession and/or advertising, trading in and/or otherwise dealing in country liquor or similar goods packed in bottles embossed with the impugned trade mark “MD” or any other trade mark ideitical with or deceptively similar to the Plaintiff’s well-known trade mark “MD” so as to pass off or enable others to pass off the Defendant’s goods as and for the Plaintiff’s well-known goods or in any other manner whatsoever;”

3. Liberty to the Defendants to apply, though not before the learned Vacation Judge.

4. List the Suit for directions on 14th June 2016.

(G. S. PATEL, J.)