

ATUL

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
NOTICE OF MOTION NO. 1527 OF 2016
IN
SUIT NO. 480 OF 2016

Hypercity Retail (India) Limited	...Plaintiffs
<i>Versus</i>	
Hotel Hypercity & Anr.	...Defendants

Mr. Himanshu Kane, with Ms. Akshata Kamath, i/b W. S. Kane & Co., for the Plaintiffs.

CORAM: G.S. PATEL, J
DATED: 19th September 2016

PC:-

1. Mr. Kane points out that there is an ad-interim order dated 5th May 2016, one that was passed after several attempts at service. The Suit was against three establishments in Bangalore, at least one of whom has since ceased use of the mark in question, **HYPERCITY**. Service on the Defendants has been effected and there is an Affidavit of Service.

2. There is no Affidavit in Reply to the Notice of Motion. None appears for any of the Defendants.

3. For the reasons set out in the order dated 5th May 2016, the Notice of Motion is made absolute in terms of prayer clauses (a) and (b).

4. In addition, the Plaintiffs will be entitled to recover the actual costs of this Notice of Motion jointly and severally from the Defendants at the final hearing of the Suit.

(G. S. PATEL, J.)