

SHEPHALI

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
NOTICE OF MOTION NO. 1043 OF 2013
IN
SUIT NO. 3443 OF 2004

Sabmiller India Limited ...Plaintiffs
Versus
Mohan Rocky Spring Water Breweries Limited ...Defendants

Mr. Ashutosh Kane, with Mr. Nikhil Sharma, i/b M/s. W.S. Kane & Co., for the Plaintiffs.
None for the Defendants.

CORAM: G.S. PATEL, J
DATED: 5th December 2016

PC:-

1. This is Defendants' Notice of Motion for stay of the Suit under Section 124 of the Trade Marks Act, 1999. Rectification proceedings filed by the Defendants before the Intellectual Property Appellate Board for cancellation of the Plaintiffs' mark No. 436744 and 1521743 in Class 32. Mr. Kane fairly points out that these rectification proceedings are in fact pending. The Suit will have to be stayed.

2. The Notice of Motion is made absolute in terms of prayer clause (a). The Suit is adjourned *sine die* with liberty to the parties to apply.

(G. S. PATEL, J.)