

SHEPHALI

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
IN ITS COMMERCIAL DIVISION
NOTICE OF MOTION (L) NO. 3 OF 2016
IN
COMMERCIAL SUIT (L) NO. 3 OF 2016**

Parle Agro Private Limited	...Applicant
<i>In the matter between</i>	
Parle Agro Private Limited	...Plaintiff
<i>Versus</i>	
Bisleri International Private Limited	...Defendant

**Dr. Veerandra Tulzapurkar, Senior Advocate, a/w Ms. Saumya
Shrikrishna, i/b Neolegal Associates, for the Plaintiff.**
**Mr. Janak Dwarkadas, Senior Advocate, i/b Gajaria & Co., for the
Defendant.**

**CORAM: G.S. PATEL, J
DATED: 13th June 2016**

PC:-

1. By consent the following order is passed:
 - (a) Mr. Dwarkadas for the Defendant states, on instructions, that the Defendant uses the word “FRUITY” in a purely descriptive manner on its products. Dr. Tulzapurkar for the Plaintiff has no

objection to such descriptive use of the word “FRUITY”.

- (b) Mr. Dwarkadas states that in its advertising and promotional material, the Defendant has mistakenly used the word “FRUITI” instead of the word “FRUITY”. The Defendant has no intention of using the words “FRUITI”. It has already corrected this on its website.
- (c) The Defendant agrees and undertakes to remove all the advertising and promotional material, viz., danglers, etc. containing the word “FRUITI” from the market within a period of six months from today. Mr. Parag Bangali on behalf of the Defendants is personally present in Court. This statement is accepted as an undertaking to the Court.
- (d) The Defendant also agrees and undertakes that it will hereafter not use the words “FRUITI” in respect of any of its advertising or promotional material in relation to its goods/products. This statement is also accepted as an undertaking to the Court.

2. The parties agree that the Suit can be disposed of in these terms. The Suit is disposed of accordingly with no order as to costs. Refund of Court fees, if any, as per Rules.

3. In view of this, nothing survives in the Notice of Motion and it is disposed of accordingly.
4. All concerned to act on an authenticated copy of this order.

(G. S. PATEL, J.)