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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
SUIT NO.670 OF 2016
WITH
NOTICE OF MOTION NO. 1986 OF 2016

Hindustan Unilever Limited	... Plaintiff
<i>Versus</i>	
K.P.R. India Private Limited	... Defendant

Mr. Himanshu Kane, *with Mr. Ashutosh Kane and Mr. Nikhil Sharma i/b W.S. Kane and Company for the Plaintiff.*
Dr. Venkat Reddy, *i/b Nirmalav Gopal for the Defendant.*

CORAM: G.S. PATEL, J
DATED: 12th August 2016

PC:-

1. After some hearing, and after taking instructions, Dr. Reddy for the Defendants states that he has instructions to submit to a decree in terms of prayer clauses (a), (b), (c) and (e) of the plaint. In view thereof, Mr. Kane does not press his claim in damages.
2. The Suit is decreed in these terms. Drawn up decree dispensed with.
3. Refund of court fee, if any, in accordance with the Rules.

4. The Court Receiver appointed under order dated 17th June 2016 to stand discharged without passing accounts, but on payment of his costs, charges and expenses by the Plaintiffs within a period of four weeks from today.

5. The Defendants will destroy the seized containers and bottles within four weeks from today at their own cost in the presence of the representative of the Plaintiffs. It is clarified that the Defendants will be entitled to use, reuse or repack the contents of that containers and bottles and the Plaintiffs have no grievance in that regard.

6. The Defendants also agree to withdraw their applications for trade mark registration in respect of the mark SUNSHINE whether use in conjunction with any other mark or not, within a period of six weeks from today. The Registrar of Trade Marks, Chennai is to have these applications listed for withdrawal. In the alternative, the learned Advocate for the Defendants will write to the Registrar of Trade Marks for withdrawing the applications and forward a copy to the learned Advocate for the Plaintiffs. A copy of this order is to be forwarded by the Prothonotary & Senior Master to the Registrar of Trade Marks, Chennai.

7. Mr. Kane states that the Plaintiffs, of course, have no difficulty in the Defendants' use of the word SHINE in a non-infringing manner.

8. Notice of Motion No. 1986 of 2016 is, therefore, infructuous and is disposed of as such.

9. In the facts and circumstances of the case, there will be no order as to costs.

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

(G. S. PATEL, J.)