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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
NOTICE OF MOTION NO. 2014 OF 2016
IN
SUIT NO. 665 OF 2016**

Hindustan Unilever Limited	...Plaintiff
<i>Versus</i>	
Saptrhagiri International	...Defendant

**Mr. Ashutosh Kane, a/w Mr. Nikhil Sharma, i/b W. S. Kane & Co.,
for the Plaintiff.**

**CORAM: G.S. PATEL, J
DATED: 10th August 2016**

PC:-

1. None for the Defendants. On 19th July 2016, the Defendants were absent. I noted that pursuant to the ad-interim order dated 24th June 2016, the Court Receiver had completed the inventory and sealed certain goods. Service was then complete. I directed Mr. Kane to give one further notice to the Defendants. He has done so. He shows me a letter dated 3rd August 2016 from M/s. W.S. Kane & Company, reference No. 1834. There is an acknowledgement stamp of the Defendant on the first and second page of this notice. A copy of this notice is taken on record and marked "X1" for identification.

2. The name of the Defendants are called out. None present for the Defendants.

3. For the reasons set out in the order of 24th June 2016, the ad-interim order of that date is confirmed as a final order on this Notice of Motion. In addition, there will also be an order in terms of prayer clause (c) of the Notice of Motion in relation to the cause of action in passing off. For convenience, prayer clauses (a) to (d) are set out below:

- “(a) that pending the hearing and final disposal of the suit, the Defendant by itself, its proprietor, partners, directors, servants, employees, agents, dealers, stockists, distributors and all persons claiming under it be restrained by an order and temporary injunction of this Hon’ble Court from infringing the Plaintiff’s registered trade marks bearing Registration No. 1486107 and 1780462 both in class 03 by the use of the impugned logo shown at Exhibit “E” to the Plaint and/or any other trade mark/logo deceptively similar to the Plaintiff’s registered trade marks bearing Registration Nos. 1486107 and 1780462 both in class 03 in respect of the goods covered by the Plaintiff’s aforesaid registrations and/or like goods or in any other manner whatsoever;
- (b) that pending the hearing and final disposal of the suit, the Defendant by itself, its proprietor, partners, directors, servants, employees, agents, dealers, stockists, distributors and all persons claiming under it be restrained by an order and temporary injunction of this Hon’ble Court from

infringing the Plaintiff's registered trade marks bearing Registration No. 1780462 in class 03 by the use of the impugned logo shown at Exhibit "F" to the Plaintiff and/or any other trade mark / logo deceptively similar to the Plaintiff's registered trade mark bearing Registration No. 1780462 in class 03 in respect of the goods covered by the Plaintiff's aforesaid registration and/or like goods or in any other manner whatsoever;

- (c) that pending the hearing and final disposal of the suit, the Defendant by itself, its proprietor, partners, directors, servants, employees, agents, dealers, stockists, distributors and all persons claiming under it be restrained by an order and temporary injunction of this Hon'ble Court from using the impugned logo shown at Exhibits "E" and "F" to the Plaintiff and/or any other logo deceptively similar to the Plaintiff's said logo shown at Exhibit "A" to the Plaintiff upon and in relation to detergent powder and/or like goods 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;
- (d) that pending the hearing and final disposal of the suit, the Court Receiver, High Court, Bombay be appointed under Order XL Rule 1 of Civil Procedure Code, 1908 as the Receiver of the Defendant's goods bearing the impugned logo shown at Exhibits "E" and "F" to the Plaintiff and other things and records in respect thereof with all powers to forcibly enter upon the premises of the Defendant and/or its agents, dealers, stockists and/or any person claiming through it

at any time of the day or night without notice to the Defendant and with the help of police if necessary, to seize and take charge, possession and control of all the goods, things, pouches, wrappers, dies, literature, blocks and packing material bearing the impugned logo shown at Exhibits "E" and "F" to the Plaintiff and/or any other logo which is closely and deceptively similar to the Plaintiff's said logo shown at Exhibit "A" to the Plaintiff and also to take charge and possession of loose packing material, labels and all other goods, pouches, wrappers, dies, literature, blocks, packing material, records, account books or material pertaining thereto in possession and/or control of the Defendant and/or its agent, dealers, stockists and/or any person claiming thought it/them;"

4. The Notice of Motion is disposed of in these terms with costs. In addition, the Plaintiffs will be entitled to recover the actual costs of this Notice of Motion from the Defendants at the time of final hearing of the Suit.

(G. S. PATEL, J.)