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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
IN ITS COMMERCIAL DIVISION
NOTICE OF MOTION (L) NO. 42 OF 2016
IN
COMMERCIAL SUIT (L) NO. 43 OF 2016
WITH
LEAVE PETITION NO. 189 OF 2016**

Maharashtra Hybrid Seeds Co. Pvt. Ltd.	...Plaintiff
<i>Versus</i>	
Hari Hara Agri Biotech Pvt. Ltd. & Anr.q	...Defendants

Mr. V. R. Dhond, Senior Advocate, a/w Ms. Akanksha Singh, i/b
Bimal Rajasekhar, for the Plaintiff.

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

PC:-

1. Mr. Dhond states that service is complete. This is noted in the previous orders. In fact, on 28th July 2016 the Defendants were represented. I find, however, that there is no vakalatnama filed on behalf of the Defendants despite their Advocate having appeared on the last occasion.

2. In view of this, Leave Petition No. 189 of 2016 is taken up at Mr. Dhond's request and it is made absolute in terms of prayer clause (a).

3. There was an ad-interim order dated 21st July 2016. I had also separately appointed the Court Receiver to make an inventory and to seal the offending goods. That ad-interim order will continue as a final order on this Notice of Motion.

4. Now, in view of the grant of leave under Clause XIV of the Letters Patent, there will also be an interim order in terms of prayer clauses (a), (b) and (d), which read as follows:

“(a) That pending the hearing and final disposal of this Notice of Motion, this Hon'ble Court be pleased to restrain the Defendants, their officers, directors, employees, agents, representatives, franchisees, servants, licensees and all others acting for and on its behalf, by an *ex parte ad interim* injunction from using the mark “BAHUBALI” and any other mark, identical to or similar to the Plaintiff's registered trademark “BAHUBALI” in relation to seeds, either as a trademark, trading name/style, domain name, corporate name or as a part of packaging, artwork, get-up, layout or in any other manner, whatsoever, which would amount to infringement of Plaintiff's trademark rights.

(b) That pending the hearing and final disposal of this Notice of Motion, this Hon'ble Court be pleased to restrain the Defendants, their officers, directors, employees, agents, representatives,

franchisees, servants, licensees and all other acting for and on its behalf, by an *ex parte ad interim* injunction from using the mark “BAHUBALI” and any other mark which is identical or similar to the Plaintiff’s mark “BAHUBALI” in relation to seeds, either as a trademark, trading name/style, domain name, corporate name or as a part of packaging, artwork, get-up, layout or in any other manner, whatsoever, so as to be likely to lead to passing off of the goods of the Defendants as that of or connected with the goods of the Plaintiff.

- d) That pending the hearing and final disposal of this suit, this Hon’ble Court be pleased to restrain the Defendants, their officers, directors, employees, agents, representatives, franchisees, servants, licensees and all other acting for and on its behalf, by an interim injunction from using the mark “BAHUBALI” and any other mark which is identical or similar to the Plaintiff’s mark “BAHUBALI” in relation to seeds, either as a trademark, trading name/style, domain name, corporate name or as a part of packaging, artwork, get-up, layout or in any other manner, whatsoever, so as to be likely to lead to passing off of the goods of the Defendants as that of or connected with the goods of the Plaintiff.”

5. The Notice of Motion is disposed of in these terms with costs.

6. 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.)