

SHEPHALI

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
SUIT NO. 622 OF 2016
WITH
NOTICE OF MOTION NO. 1998 OF 2016**

Metro Shoes Ltd. & Rafique Abdul Mailk Mali	...Plaintiffs
<i>Versus</i>	
Maheshkukmar Vishnumal Batra Prop of Metro Sandal	...Defendant

Mr. Amit Jamsandekar, *i/b P. N. Shah, for the Plaintiffs.*

**CORAM: G.S. PATEL, J
DATED: 22nd September 2016**

PC:-

1. Mr. Jamsandekar has instructions to withdraw the Suit since the Defendant has ceased infringing use of the mark and since the Defendant now uses another mark.
2. The Suit is dismissed as withdrawn. Refund of Court fees in accordance with the Rules.
3. The Notice of Motion is infructuous and does not survive.

4. It is clarified that should the Defendant hereafter resume infringing use of the mark **METRO SHOES**, Mr. Jamsandekar will be entitled to either file a fresh suit or apply for the revival of the present Suit and thereupon for a decree against the Defendant.
5. All concerned to act on an authenticated copy of this order.

(G. S. PATEL, J.)