

SHEPHALI

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
NOTICE OF MOTION NO. 1655 OF 2015
IN
SUIT NO. 807 OF 2015

Maharashtra Hybrid Seeds Company Pvt. Ltd. ...Plaintiffs
Versus
Yashoda Hybrid Seeds Pvt. Ltd. ...Defendants

Mr. Bimal Rajsekhar, *for the Plaintiffs.*
Mr. Tamannavar, *Section Officer from the office of the Court Receiver,*
present.
None *for the Defendants.*

CORAM: G.S. PATEL, J
DATED: 15th July 2016

PC:-

1. Heard. Affidavit dated 14th July 2016 is taken on record.
2. There was an ad-interim order dated 27th July 2015. There is no application for recall or modification of that order. By that order, the Court Receiver was appointed to make an inventory and an injunction was issued.
3. The Defendant has caused appearance to be entered. Beyond that, however, it has done nothing. There is no Affidavit in Reply.

Although the Plaint has also been served, there is no Written Statement as yet.

4. The ad-interim order dated 27th July 2015 is confirmed as the final order in the Notice of Motion.

5. Mr. Rajsekhar points out on the basis of a further Affidavit dated 14th July 2016 that despite the previous order, the Defendant continues to use the impugned mark, and which use is prohibited, but in a somewhat different form. The Defendant now use the mark **Shabari**, but has placed the impugned mark “**Suruchi**” in brackets after the new mark. This altered use is also prohibited under the ad-interim order of 27th July 2015. The Defendant is not allowed to use the mark **Suruchi** in any shape, fashion and form in relation to these goods and on these packets. There will, therefore, be an additional injunction restraining the Defendant from using the word Suruchi with or without any mark as well.

6. The Notice of Motion is disposed of in these terms with no order as to costs.

7. Liberty to the parties to apply.

(G. S. PATEL, J.)