

JSN

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
NOTICE OF MOTION (L) NO. 2384 OF 2016
IN
SUIT (L) NO. 828 OF 2016

Dart Industries Inc. and Another	... Plaintiffs
<i>Versus</i>	
Dilip Shah and others	... Defendants

Mr. Hemant Singh, *with Ms. Mamta Jha i/b Mr. Rishi Mody for the Plaintiffs.*

Mr. Akshay Patil, *with Ms. Pranali Adangale, i/b M/s. K. Ashar and Company for the Defendants Nos.1 and 3.*

CORAM: G.S. PATEL, J
DATED: 26th October 2016

PC:-

1. Mr. Patil makes a statement on the instructions that the products in question covered by prayer (a) of the Plaint are not being manufactured, sold or dealt with by the Defendants. The statement is accepted as an undertaking to the Court and will be enforced as such.

2. He also makes a statement that the image and description on the IndiaMart website were on account of an error by IndiaMart and this was acknowledged and confirmed in the annexure at page 142 of

the Notice of Motion paper book Exhibit “F” to the Affidavit in Reply. Mr. Patil has instructions to assure Court on behalf of the Defendants that the Defendants are not now dealing and have not at any time dealt in any plastic bottles of the kind described in prayer (a) or in the Plaintiffs’ registered design Nos. 221424 and 221425.

3. In view thereof, Mr. Singh does not press his prayer for damages. The Suit is disposed of in these terms. Drawn up decree / order is dispensed with.

4. Refund of Court Fees, if any, in accordance with the Rules.

5. In view of the above, the Notice of Motion does not survive and is disposed of as infructuous.

6. All concerned to act on an authenticated copy of this Order.

(G. S. PATEL, J.)