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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
NOTICE OF MOTION NO. 764 OF 2015**

IN

SUIT NO. 313 OF 2012

Metro Shoes Limited

...Plaintiff

Versus

Metro Shoe Corner

...Defendants

WITH

CONTEMPT PETITION NO. 78 OF 2015

IN

SUIT NO. 313 OF 2012

Metro Shoes Limited

...Petitioner

Versus

Metro Shoe Corner & Another

...Respondents

Mr. Amit Jamsandekar, *i/b Mr. Piyush Shah, for the
Petitioner/Plaintiff.*

Mr. T.K. Faisal, *Constituted Attorney, for the Defendant.*

CORAM: G.S. PATEL, J

DATED: 29th July 2016

PC:-

1. The Defendants suffered a decree dated 8th March 2013 (S.J. Kathawalla, J.). The Plaintiffs filed Contempt Petition No. 78 of

2015 alleging that, despite that decree, the Defendants continued to use the impugned mark **METRO**. Defendant No. 2, who is of advanced years, was personally present in Court on the previous occasion(s). He seeks exemption from personal attendance today. He is represented by his son, Mr. T.K. Faisal, who holds a Power of Attorney from him. The 1st Defendant is the 2nd Defendant's proprietorship firm.

2. In view of what is being stated by Mr. Faisal, the 2nd Defendant's Constituted Attorney, I am inclined to grant that exemption from personal attendance.

3. Today, the Defendants tender an unqualified apology through their Constituted Attorney. This is accepted. They agree and undertake to this Court to abide by the decree and to stop using the name **METRO** in relation to the Defendants' business in any form whatsoever.

4. Mr. Jamsandekar for the Petitioners (original Plaintiffs) accepts the statement in satisfaction of the Plaintiffs' claim.

5. In view thereof, the Contempt Petition is disposed of in these terms on the statement, apology and undertaking being accepted as being given to Court. Notice to the Defendants is discharged.

6. The Court Receiver appointed stands discharged without passing accounts but on payment of his costs, charges and expenses

by the Petitioners/Plaintiffs within a period of four weeks from today.

7. In the view of the statement, apology and undertaking given by and on behalf of the Defendants, the Plaintiffs instruct Mr. Jamsandekar to withdraw their Execution Application. The Execution Application is dismissed as withdrawn.

8. In pursuance of the above statement, the Defendants also seek to withdraw Notice of Motion No. 764 of 2015 filed by them to set aside the decree dated 8th March 2013. Notice of Motion No. 764 of 2015 is also dismissed as withdrawn.

(G. S. PATEL, J.)