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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
NOTICE OF MOTION NO. 194 OF 2015
IN
SUIT NO. 119 OF 2015**

Hawa Valves (India) Private Limited	...Plaintiff
<i>Versus</i>	
Hawa Sheraton Private Limited	...Defendant

Mr. Ajit Anekar, *with Mr. Thomas James, i/b M/s. Auris Legal, for the Plaintiff.*
Ms. Suvarna Joshi, *for the Defendant.*

CORAM: G.S. PATEL, J
DATED: 1st April 2016

PC:-

1. Mr. Anekar points out that in paragraphs 7(a), 7(c) and 7(e) of the Written Statement, the Defendant has made following statements:

“(a) The Defendant is now no longer dealing in any business or trade and no transaction ever took place in this Company. The Gothi family who owns the business, are worshippers of Mother Earth and based on family belief and from religious aspect, one of the elements,

Hawa which means Wind or Air, has been chosen as a name for business and prosperity.

(c) It is pertinent to mention here that there is no transaction done in the name of Defendant Company. The Defendant applied for registration of Trade Mark "Hawa Shereton" in November, 2010 and the registration in Class 37 under No. 2047727 been granted in July, 2012. Colour copy of Registration Certificate alongwith Logo is annexed herewith as **Exhibit A-A1**. Mere perusal of registration certificate of the Plaintiff clearly shows that the certificate is granted in July and September, 2014. Thus the Defendant's registration is prior in time. Moreover, the Defendant does not indent to carry out any further activities.

(e) The Defendant has not carried out trade or business."

2. Mr. Anekar submits that on these statements being accepted, no further reliefs are necessary on the Plaintiff's Notice of Motion. The learned Advocate for the Defendant is in agreement. Accordingly, the statements made in the foregoing paragraphs are accepted. In view thereof, Mr. Anekar does not press for reliefs in the Notice of Motion, which is disposed of with the foregoing observations. There will be no order as to costs.

(G. S. PATEL, J.)