

SHEPHALI

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
SUIT (L) NO. 926 OF 2016
WITH
NOTICE OF MOTION (L) NO. 2803 OF 2016
AND
LEAVE PETITION NO. 286 OF 2016**

Hindustan Unilever Limited ...Plaintiffs
Versus
Sandeep Kumar Andani, trading as Sandeep
Soaps ...Defendants

Mr. Ashutosh Kane, i/b W. S. Kane, for the Plaintiffs.
Mr. Alankar Kirpekar, i/b Jaya Manghvani, for the Defendants.
Mrs. Kavita Ambekar, Ind Assistant to the Court Receiver.

CORAM: G.S. PATEL, J
DATED: 21st October 2016

PC:-

1. Not on board. Mentioned. Taken on board.
2. For the reasons set out therein, the Leave Petition is made absolute in terms of prayer clause (a).

3. Mr. Kirpekar, on instructions from the Defendants, submits to a decree in terms of prayer clauses (a) to (e) and (g) of the Suit. Mr. Kane, therefore, does not press the prayer for damages.

4. The Court Receiver took charge of the entire factory premises. He was obstructed in carrying out the orders dated 5th October 2016 and 17th October 2016 and was prevented from entering the Defendants' premises. Within those premises are several items with the infringing marks and labels. These are yet to be inventoried. That process of inventory and sealing will be completed on 24th October 2016, without waiting for this order to be uploaded or for an authenticated copy of it.

5. The Court Receiver will, on the next visit, make an inventory, and also remove the seal that has been placed on the premises. The Defendants will be at liberty to access the premises thereafter. The inventoried and sealed goods will be destroyed by the Court Receiver immediately thereafter in the presence of the Defendants. The Plaintiffs' representatives may remain present if they wish.

6. The Defendants will be at liberty to re-use the soap bars themselves by melting them down and re-shaping these in a non-infringing manner.

7. While the arrangements for the Court Receiver's second visit, travel and staying arrangements will be made by the Plaintiffs, the costs are to be paid by the Defendants.

8. The Suit is decreed in these terms with no order as to costs. Drawn up decree is dispensed with. The drawn up decree is dispensed with. However, should the parties require a drawn up decree, they will be entitled to apply to the Department for one without having to make a separate application in that behalf and on production of an authenticated copy of this order.

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

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

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

(G. S. PATEL, J.)