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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION**

**NOTICE OF MOTION (L) NO. 3634 OF 2015
NOTICE OF MOTION NO.2232 OF 2015
IN
SUIT NO. 1115 OF 2015**

Mohd Amzad Khan	...Applicant
In the matter between	
Pidilite Industries Ltd.	...Plaintiff
VS	
KSS Traders & Anr.	...Defendants

.....
Mr Hiren Kamod a/w Vaibhav Keni, Sumeet Rane i/b Legasis Partners for the
Plaintiff
Mr Ankita Singhania i/b Hafeezur Rahman for the Defendants.
.....

**CORAM : S.C. GUPTA, J.
MARCH 03, 2016**

P.C. :

By consent of parties, the suit is disposed of in terms of the following order:

1. The Defendants undertake not to use the Plaintiff's PIDILITE marks/labels bearing Registration Nos. 308287, 631810, 691367, 631814, 691358, 1027842 and 1026412 in any manner.
2. The Defendants undertake not to use the mark PURELITE or PURELITE (LOGO) or any other mark which is similar to any of the aforesaid registered marks of the Plaintiff.
3. The Defendants undertake to refrain from using in any manner or form, the Plaintiff's artistic work known as Pidilite Artistic Work shown at Exhibits B-1 (Pg.64) and B-2 (Pg.65) to

the Plaintiff or any substantial part thereof.

4. The Defendants undertake to refrain from using in any manner whatsoever the Plaintiff's marks / labels Hobby Ideas, Fevicryl No Stitch Fabric Glue, Fevicryl Hobby Ideas, Fevicryl Hobby Ideas No Stich Fabric Glue, No Stitch Fabric Glue or any other trade mark/label deceptively similar thereto.
5. The Defendants undertake to refrain from using in any manner whatsoever the impugned marks / labels shown at Exhibit-O (Pages 118 to 118B) to the Plaintiff.
6. The Defendants undertake not to use the mark / label sought to be registered by the Defendants vide Trademark Application Nos. 2968808 dated 21st May 2015 and 2790397 dated 12th August 2014, both in class 16.
7. The Defendants undertake not to use in any manner whatsoever the Plaintiff's trade marks/labels bearing the following numbers or any other trade mark/label deceptively similar thereto:
 - (i) 1154340
 - (ii) 1237490
 - (iii) 1080073
 - (iv) 1369850
 - (v) 1369851
 - (vi) 1564318
8. The Defendants undertake not to copy the literary work of the Plaintiff in PIDILITE Instructions shown at Exhibit G to the Plaintiff or any substantial part thereof.

9. The Defendants undertake to unconditionally withdraw the Suit filed by it in the District Court at Varanasi, being Suit No.34 of 2015, against the Plaintiff on the next date of hearing or immediately thereafter.
10. The Plaintiff shall destroy the Defendants' goods which are in the custody of the Court Receiver appointed by the Order dated 7th September 2015.
11. No order as to costs.
12. Refund of court fees in accordance with the applicable rules.
13. The Court Receiver appointed in the Notice of Motion shall stand discharged without passing any accounts but subject to payment of his costs, charges and expenses which shall be borne by the Plaintiff.
14. In view of disposal of the suit, the Notices of Motion do not survive and the same are disposed of accordingly.

(S.C.GUPTE J.)