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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
SUIT (L) NO. 946 OF 2016
WITH
NOTICE OF MOTION (L) NO. 2873 OF 2016
AND
LEAVE PETITION NO. 296 OF 2016

Hindustan Unilever Limited	...Plaintiffs
<i>Versus</i>	
Crown Industries	...Defendants

Mr. Himanshu Kane, *with Mr. Ashutosh Kane & Ms. Anusha Ramnathan, i/b W.S. Kane & Co., for the Plaintiffs.*

Mr. Rohan Kadam, *with Mr. Sanjay Kadam, Mr. Sanjil Kadam, Mr. Deepak Enakphale & Ms. Sayalee Rajpurkar, i/b Kadam & Co., for the Defendants.*

Mr. Mohan Rajpal Jain, *Partner of the Defendant, is present.*

Mr. M.S. Deshpande, *Court Receiver, is present.*

CORAM: G.S. PATEL, J
DATED: 25th October 2016

PC:-

1. The Court Receiver was appointed under an ad-interim order dated 5th October 2016. He proceeded to execute that order and there is a site report dated 25th October 2016. Below this is a Note placed by Mr. K.K. Hebale. It makes for the most unfortunate

reading. It notes the conduct of the Defendants' partner, Mr. Mohan Rajpal Jain, present in Court today. Mr. Jain threatened Mr. Hebale. He refused to sign the site report. He attempted to inspect Mr. Hebale's camera. He threatened to file an FIR and it seems he did so. He also kept Mr. Hebale confined to a police station at Sanay Nagar, Sangli from 4.45 p.m. till 8:30 pm, a wholly illegal and thoroughly criminal act.

2. As far as I am concerned, Mr. Jain is in contempt of Court. Indeed, his conduct amounts to criminal contempt. Although the parties were willing to settle the matter, I am not willing to let it go at this. I will not tolerate any party assaulting one of our officers like this, and I will take action.

3. At Mr. Kadam's request at this stage on behalf of the Defendants, the matter is kept back to 3:00 pm.

At 3.00 p.m.

4. Mr. Kadam on behalf of the Defendants tenders an Affidavit of Mr. Jain. This contains an unconditional apology to the Court, as also to Mr. Hebale. Mr. Jain is in the witness box. He is a senior citizen. He admits he was wrong. He apologizes and seeks that his apology be accepted. I have made it clear to him that should I find him crossing this line again, I will have absolutely no regard for his position, age or health and he will then face the full wrath of the law, without delay and without mercy. Mr. Jain says he has understood my meaning. Mr. Hebale himself is not present in Court now being

otherwise engaged, though he was here in the morning session. On his behalf, the Court Receiver, Mr. Deshpande submits that the apology may be accepted.

5. At Mr. Kadam's request, I will accept this Affidavit and its undertakings as also the apologies contained in it. The undertakings in the Affidavit are accepted as undertakings to the Court. In this Affidavit, Mr. Jain specifically agrees and undertakes to withdraw the criminal complaint filed with the Sanay Nagar, Sangli Police Station. That undertaking is also accepted. Mr. Jain will make the necessary withdrawal within 48 hours of this order being uploaded. An authenticated copy of this order is to be sent by the Court Receiver to the authorities at the Sanay Nagar police station, despatch to be effected before 27th October 2016. Those police authorities will act on an authenticated copy of this order and treat Mr. Jain's complaint against Mr. Hebale as withdrawn.

6. I will now take up the matter.

7. By consent, the Leave Petition is made absolute.

8. Mr. Kadam, on instructions from Mr. Jain, submits to a decree in terms of prayer clauses (a) to (e) and (f) of the Suit. Mr. Kane, therefore, does not press the prayer for damages.

9. The Suit is decreed in these terms with no order as to costs. Drawn up decree is dispensed with. Refund of Court Fees, if any, in accordance with the Rules.

10. The Court Receiver had sealed certain goods. These are to be destroyed after removing the goods from the impugned packaging by the Defendants at their cost within a period of 12 weeks. The Defendant will file an Affidavit of compliance within a period of sixteen weeks from today. It is clarified that the Defendants will be entitled to melt down the soap and the soap bars and to re-use them or re-fashion them in a non-infringing manner.
11. The Court Receiver stands discharged without passing accounts but on payment of his costs, charges and expenses within four weeks from today by the Plaintiffs.
12. Notice of Motion (L) No. 2873 of 2016 does not survive and is disposed accordingly.
13. All concerned to act on an authenticated copy of this Order.

(G. S. PATEL, J.)