

JSN

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
NOTICE OF MOTION NO.209 OF 2015
IN
SUIT NO.38 OF 2015

Mehboob Khan	... Applicant
<i>In the matter between</i>	
Mehboob Khan	... Plaintiff
<i>Verus</i>	
Firoz Qureshi and Another	... Defendants

None, for the Plaintiff.

Mr. Rohan Kadam, i/b Mohanish Chaudhari for the Defendants.

CORAM: G.S. PATEL, J
DATED: 11th August 2016

PC:-

1. This Notice of Motion is under Order 39 Rule 2A of Code of Civil Procedure, 1908. It was filed on the basis that the Defendants had, despite an earlier restraint order, continued to use the mark in question “**CARTER’S BLUE**”.

2. The Plaintiff had also filed a separate Notice of Motion for interim relief which I disposed of by an order dated 16th June 2016. The Defendants have carried that matter in Appeal. In that

judgment I noted that the question of infringement of the original mark “**CARTER’S BLUE**” did not survive since the Defendants had changed their name to “**CARTER’S EXPRESS**”.

3. The present Notice of Motion is, therefore, infructuous.
4. In any case, the Plaintiff and his Advocate are absent.
5. The Notice of Motion No.209 of 2015 is dismissed with no order as to costs.

(G. S. PATEL, J.)