

SHEPHALI

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
NOTICE OF MOTION NO. 484 OF 2015
IN
SUIT NO. 51 OF 2015**

F2 Fun & Fitness (India) Pvt. Ltd. ...Plaintiff
Versus
K & A Fitness Evolution Pvt. Ltd. & Anr. ...Defendants

**Mr. Rohan Rajadhyaksha, i/b Deven Dwarkadas & Partners, for the
Plaintiff.**

**CORAM: G.S. PATEL, J
DATED: 15th July 2016**

PC:-

1. Mr. Rajadhyaksha has taken instructions. He states that the Suit itself can be disposed of in accordance with the previous orders. He confirms that the Defendants have ceased the infringing use of the mark in question. He points out that on 27th April 2016, when I passed the ad-interim order, certain emails were shown and which I took on record and marked "X" for identification. These indicated that the Defendant had agreed to cease use of the mark. Mr. Rajadhyaksha confirms that pursuant to the order dated 27th April 2016 the Defendants have complied. All that remains is to formally

place those emails on record. The person who can make an Affidavit is presently unavailable.

2. The Plaintiff shall file the Affidavit setting on record the emails that were taken on record and marked “X” for identification on 27th April 2016. This Affidavit is to be filed in the Registry on or before 26th August 2016.

3. The Suit itself is disposed of in terms of the order dated 27th April 2016 read with the emails taken on record on 27th April 2016, i.e., in terms of prayer clauses (a), (b) and (c) of the Suit. There will be no order as to costs.

4. Refund of Court fees, if any, in accordance with the Rules. Drawn up decree dispensed with.

5. The Notice of Motion will not survive and is also disposed of with this order.

6. All concerned to act on an authenticated copy of this order.

(G. S. PATEL, J.)