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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
NOTICE OF MOTION NO. 1516 OF 2014
IN
SUIT NO. 1184 OF 2011

Sumeet Appliances Private Limited ...Plaintiff
Versus
Dilip Kumar Jain & Sumeet Engineering Works ...Defendants

Mr. Vinod Bhagat, *with Mr. Dhiren K., i/b G.S. Hegde & V.A. Bhagat, for the Plaintiff.*
Ms. Pooja Kshirsagar, *with Ms. Cheryl Fernandes & M. Prashant, i/b ALMT Legal, for the Defendants.*

CORAM: G.S. PATEL, J
DATED: 17th June 2016

PC:-

1. On instructions from Mr. Dilip Kumar Jain, who is personally present in Court, Ms. Kshirsagar makes the following statements:

- (a) That the Defendants' website under the domain name **www.misumeet.co.in** has been taken down and is no longer accessible;
- (b) The Defendants also confirm that they are is not using the marks MI SUMEET, SUMEET or SUMEET

SASSAKI or any other marks confusingly and deceptively similar to the Plaintiff's mark in respect of any of the kitchenware, domestic appliances and home appliances products covered by the previous orders of injunction;

- (c) The Defendants also agree and undertake not to use any of these marks in relation to such products unless expressly permitted by an order of a Court;
- (d) Ms. Kshirsagar also states that the mark SUMEET is not being used on the Defendants' website.
- (e) Lastly, she states that all the Defendants' distributors, stockists and dealers have also been informed accordingly and that none of them are or will hereinafter carry any products bearing any of the offending mark.
- (f) Ms. Kshirsagar also states that the Defendants are not manufacturing any items with the offending mark.

2. These statements are sufficient. They are accepted as undertakings to the Court.

3. Ms. Kshirsagar states that it is possible that there may be some old unsold inventory with the Defendants' stockists. The Defendants have already, by a circular, a copy of which is annexed to

the Affidavit in Reply, informed all distributors, stockists, retailers and dealers of the restraint order passed by this Court. The Defendants should not be held responsible if any stockists or retailers proceed to get rid of of unsold inventory.

4. It is clarified that the Defendants are not to be held responsible for sales by any retailer or stockist of any unsold inventory. This is noted since the Defendants have undertaken to this Court that they are no supplying any offending goods to their distributors, stockists or dealers.

5. The Notice of Motion is disposed of in these terms with no order as to costs.

(G. S. PATEL, J.)