

ATUL

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
IN ITS COMMERCIAL DIVISION
COMMERCIAL SUIT NO. 249 OF 2016
WITH
NOTICE OF MOTION NO. 95 OF 2016
AND
LEAVE PETITION NO. 330 OF 2016**

Sopariwala Exports & Another	...Plaintiffs
<i>Versus</i>	
Vazeer Tobacco Company	...Defendant

**Mr. V. Tulzapurkar, Senior Advocate, with Ms. Shruti Yadav, i/b
Khaitan & Co., for the Plaintiffs.**

**Mr. Alankar Kirpekar, with Mr. Muralidhar Khadilkar & Mr.
Shekhar Bhagat, i/b MAG Legal, for the Defendants.**

**CORAM: G.S. PATEL, J
DATED: 30th November 2016**

PC:-

1. Mr. Kirpekar, on instructions, makes a statement on behalf of the Defendants that the Defendants are not using any of the marks and labels in suit and will not do so hereafter. As regards the word mark **FAWAZ**, he states that this has been assigned by the present Defendant to M/s Safa Global Impex. These statements are noted and accepted.

2. In view of this, Mr. Tulzapurkar seeks leave to withdraw the Suit. The Suit is dismissed s withdrawn with liberty to the Plaintiffs to file a fresh Suit against the person who is actually using the rival marks and labels.

3. Refund of court fee in accordance with the Rules.

4. No goods have been seized by the Court Receiver. The Court Receiver stands discharged without passing accounts but on payment of his costs, charges and expenses by the Plaintiffs within a period of four weeks from today.

5. In view of this, the Notice of Motion is infructuous and disposed of as such.

(G. S. PATEL, J.)