

SHEPHALI

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
IN ITS COMMERCIAL DIVISION
COMMERCIAL SUIT (L) NO. 255 OF 2016
WITH
NOTICE OF MOTION (L) NO. 192 OF 2016**

Compagnie Generale Des Etablissements ...Plaintiff
Michelin916-coms58-16
Versus
Brandzstorn India Marketing Pvt. Ltd. & Another ...Defendants

Dr. Veerendra Tulzapurkar, Senior Advocate, with Mr. Sanuj Das, Mr. Ashutosh Kane, Mr. Nikhil Sharma & Ms. Vrinda Gambhir, i/b M/s. W.S. Kane & Co., for the Plaintiff.
Mr. Alankar Kirpekar, with Mr. Muralidhar Khadilkar, Mr. Shekhar Bhagat & Mr. Aakash Joshi, i/b MAG Legal, for the Defendants.

**CORAM: G.S. PATEL, J
DATED: 2nd December 2016**

PC:-

1. Mr. Kirpekar appears for the Defendants. He tenders an authority letter signed by one Vinod Kumar Sahay, a director of the Defendants authorizing Mr. Rajesh Singh, the Defendants' Accounts Manager, to represent the Company. Mr. Rajesh Singh is personally present in Court. He instructs Mr. Kirpekar to submit to a decree in terms of prayer clauses (a) and (b). In view of this, Dr.

Tulzapurkar does not press the claim for damages in terms of prayer clause (c).

2. As regards prayer clause (e) which is a prayer for delivery of goods and materials with the infringing marks, the Defendants make a statement, which is accepted as an undertaking to the Court, that they do not have any goods or materials bearing the infringing mark or any other mark deceptively or confusingly similar to it.

3. The Defendants also agree through Mr. Singh to withdraw all their applications for registration of the trade marks, including (but not limited to) Application No. 2541513 in Class 14, Exhibit “Q” to the Plaint at page 166; Application Nos. 2541512 in Class 09 and Application No. 2541514 in Class 18, for the mark **Monte Michelin** with accompanying logo. This withdrawal is to be done on or before 16th December 2016 under intimation to the Advocates for the Plaintiffs. This is also accepted as an undertaking to the Court.

4. The Suit is disposed of in these terms with no order as to costs. Refund of court fee in accordance with the Rules. Drawn up decree dispensed with.

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

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

(G. S. PATEL, J.)