

SHEPHALI

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
SUIT NO. 209 OF 2016
WITH
NOTICE OF MOTION NO. 822 OF 2016**

Hm Megabrands Pvt. Ltd.	...Plaintiffs
<i>Versus</i>	
H And M Hennes & Mauritz AB & Anr.	...Defendants

Mr. Hiren Kamod, *a/w Mr. Raj Rao, i/b Khaitan & Co., for the Plaintiffs.*

Dr. Birendra Saraf, *a/w Mr. Ramesh Gajria, i/b Gajria & Co., for the Defendants.*

**CORAM: G.S. PATEL, J
DATED: 4th October 2016**

PC:-

1. The Defendants have filed an infringement and passing off action in the Delhi High court. Prayer clauses (a), (c) and (d) of the Suit are infructuous. I think it is doubtful that even prayer clause (e) survives, but I will make no comment on this today.

2. As to the Notice of Motion, prayer clause (a) is for a declaration. This is effectively a decree in the Suit. I will not grant it. Prayer clauses (b) and (c) will not survive. The Notice of Motion is, therefore, dismissed.

3. As regards prayer clause (a), all rights and contentions are left open.

(G. S. PATEL, J.)