

IN THE HIGH COURT OF BOMBAY AT GOA

FIRST APPEAL NOS.32/2011 and 64/2011

FIRST APPEAL NO.32/2011

ENCORE HOTELS PVT LTD.
AND ANR. ... Appellants
Versus
M/S. NAVELCAR HOTELS REP.
BY ITS PARTNER AND OTHERS ... Respondents

Mr. Shivan Dessai, Advocate for the appellants.

Mr. J. E. Coelho Pereira, Senior Advocate with Mr. V. Korgaonkar,
Advocate for the respondents.

WITH
FIRST APPEAL NO.64/2011

M/S. NAVELCAR HOTELS REP.
BY ITS PARTNER AND OTHERS ... Appellants
Versus
ENCORE HOTELS PVT LTD.
AND ANR. ... Respondents

Mr. J. E. Coelho Pereira, Senior Advocate with Mr. V. Korgaonkar,
Advocate for the appellants.

Mr. Shivan Dessai, Advocate for the respondents.

Coram:- C. V. BHADANG, J.

Date:- 18th September, 2017

P.C.

Leave to correct the names of the parties in both the appeals
and the consent terms, granted. Necessary correction/ amendment to be

carried out forthwith.

2. The parties have today produced on record consent terms along with fresh certificates of incorporation (consequent upon change of name) and copies of the resolution dated 24/07/2017 and 25/07/2017, which are marked as 'X' and 'X1' and 'X2' (collectively). The consent terms are signed by the concerned parties, who are present as well as their Advocates. They admit the correctness of the consent terms.

3. Heard the learned Counsel for the parties. Perused the consent terms. In effect the appellants in First Appeal No.64/2011 have agreed to confine the use of the expression and trademark 'Rajdhani' in respect of their Hotel/ Restaurant business, to the State of Goa alone, while the appellants in First Appeal No.32/2011 have agreed not to extend the use of trademark 'Rajdhani' as suffix or prefix, in the State of Goa, in respect of their Hotel and Restaurant business, if any.

4. The learned Counsel for the parties submit that the observations in the impugned judgment may not come in their way in any proceedings in so far as third parties are concerned in as much as the

impugned judgment cannot operate in rem.

5. Having heard the learned Counsel for the parties, both the appeals are disposed of in view of the consent terms. Needless to mention that the observations made in the impugned judgment shall not in any manner affect the claim/ contentions or rights of either of the parties in any proceedings, so far as third parties are concerned.

6. In the circumstances, the parties to bear their own costs.

C. V. BHADANG, J.

SMA