

ATUL

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
SUIT (L) NO. 139 OF 2017
WITH
NOTICE OF MOTION (L) NO. 478 OF 2017
WITH
LEAVE PETITION NO. 82 OF 2017

Unilever PLC & Anr	...Plaintiffs
<i>Versus</i>	
Kidds Ice Creams Factory	...Defendant

Ms Akshata Kamath, i/b WS Kane & Co., for the Plaintiffs.
Mr A Devakumar, Proprietor of the Defendant, in person.
Mrs RS Gulekar, Section Officer from the Office of the Court Receiver,
is present.

CORAM: G.S. PATEL, J
DATED: 24th March 2017

PC:-

1. Since the Defendants are served, the Leave Petition No. 82 of 2017 under Clause XIV of the Letters Patent is made absolute.

2. Mr. A Devakumar, Proprietor of the Defendant is personally present in Court. He says that the Defendant submits to a decree in terms of prayer clauses (a), (b) and (d) of the Suit. He also states that the Defendant will withdraw its trade mark Applications, if any, filed with the Trade Mark Registry. The Defendant will file an Affidavit of compliance within a period of sixteen weeks from today.

3. Mr. Kane, therefore, does not presses his prayer for damages. He submits that the Defendant should be awarded some costs. The Defendants shall pay costs quantified at Rs. 50,000/- to the Naam Foundation, 15 & 16, Ajay Shopping Centre, T.H. Katariya Marg, Matunga (West), Mumbai 400 016, set up by Mr. Nana Patekar and Mr. Makarand Anaspure, within three weeks from today and deposit a photocopy of the receipt with the Prothonotary & Senior Master.

4. The Suit is decreed in these terms with no order as to costs. Drawn up decree is dispensed with. Refund of Court Fees, if any, in accordance with the Rules.

5. The Court Receiver had sealed certain goods. These are to be destroyed by the Defendants at their cost within a period of 12 weeks.

6. The Court Receiver stands discharged without passing accounts. The Plaintiffs will pay his costs, charges and expenses within four weeks from today.

7. Notice of Motion (L) No. 478 of 2017 does not survive and is disposed of accordingly.

8. All concerned to act on an authenticated copy of this Order.

(G. S. PATEL, J.)