

Shailaja

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

NOTICE OF MOTION COMMERCIAL DIVISION NO. 263 OF 2017
IN
COMMERCIAL SUIT NO. 392 OF 2017

Hindustan Unilever Limited] Applicant

IN THE MATTER BETWEEN:

Hindustan Unilever Limited] Plaintiff

Vs.

Megha Group of Companies] Defendant

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Mr. Ashutosh Kane a/w Ms. Anusha Ramnathan i/b W.S. Kane & Co.,
for plaintiff.

Mr. D.R. Shetty, C.R. present.

None for defendant.

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CORAM: K.K. TATED, J.

DATED : 10th November, 2017.

P.C. :

Heard learned Counsel for the plaintiff. None appeared for the defendant. Mr. Kane, learned Counsel for the plaintiff submits that they have already served the defendant. He submits that they filed affidavit of service. Statement is accepted. He further submits that on 12th April, 2017, Advocate Mr. Dushyant Purekar appeared on behalf of the defendants. On his request, matter was adjourned for filing reply on or before 11th August, 2017. Learned Counsel for the plaintiff submits that till today they have not received copy of the reply. He

submits that in the present proceedings, ad-interim relief was granted by this Court by order dated 20th March, 2017. He submits that for want of reply and/or appearance of defendants, this Hon'ble Court be pleased to make Notice of Motion absolute and continue the order dated 20th March, 2017 till the final hearing and disposal of the suit.

2. It is to be noted that though the Advocate Dushyant Purekar appeared on 12th April, 2017 before this Court, there is no affidavit in reply filed on behalf of the defendant. Not only that said Advocate has not filed his appearance also.

3. Considering the submission made by learned Advocate for the applicant/plaintiff and as ad-interim relief is in force since 20th March, 2017, I am satisfied that the plaintiff has made out a case for confirmation of the said ad-interim relief. Hence, following order.

: O R D E R :

[1] Ad-interim relief granted by this Court on 20th March, 2017 to continue till final hearing and disposal of the suit.

[2] Prayer clause (c) of Notice of Motion is also made absolute which reads thus:

“that pending the hearing and final disposal of the suit, the Defendant by itself, its proprietor, partners, directors, servants, agents, dealers, stockists, distributors and all persons claiming under it be restrained by an order and temporary injunction of this Hon'ble Court from

manufacturing, packaging, selling, exhibiting for sale, advertising, printing or otherwise dealing in detergent bearing the impugned logo shown at Exhibit “E-1” and “E-2” to the Plaintiff and/or any other trade mark/logo/device which is identical with or closely and deceptively similar to the Plaintiff's said well-known logo shown at Exhibit “A” to the Plaintiff and/or in/under the impugned packaging/trade dress shown at Exhibits “E-1” and “E-2” to the Plaintiff and/or any other packaging/trade dress which is identical with or deceptively similar to the Plaintiff's said artistic packaging/trade dress shown at Exhibit “C” to the Plaintiff so as to pass off or enable others to pass off the Defendant's goods as and for the Plaintiff's well-known goods or in any other manner whatsoever;

- [3] Notice of Motion stands disposed of accordingly.
- [4] Suit to appear on board after 8 weeks for direction.

(K.K. TATED, J.)