

Shephali

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
SUIT NO. 208 OF 2017
WITH
NOTICE OF MOTION NO. 647 OF 2017
WITH
LEAVE PETITION NO. 91 OF 2017**

Hindustan Unilever Ltd	...Plaintiffs
<i>Versus</i>	
NR Industrial Corp	...Defendant

Mr Ashutosh Kane, *a/w Ms Niyati Davawalla, i/b WS Kane & Co,*
for the Plaintiffs.
Mr Amir Arsiwala, *for the Defendant.*
Mr Sunil Kumar Bhawsinka, *Proprietor of the Defendant, is present.*

CORAM: G.S. PATEL, J
DATED: 10th April 2017

PC:-

1. The Defendants are served.
2. The Leave Petition under Clause XIV is made absolute.
3. Mr Sunil Kumar Bhawsinka, Proprietor of the Defendant is personally present in Court. Mr Arsiwala for the Defendant says the

Defendant submits to a decree in terms of prayer clauses (a), (b) and (d) of the Suit. Mr Kane, therefore, does not presses his prayer for damages.

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. The Court Receiver is directed to destroy the impugned packaging within a period of one week from today. The Defendants will be entitled to remove the detergent powder from the packaging. The Defendants undertake not to use the impugned packaging or any other packaging that is similar to the Plaintiffs packaging. The undertaking is accepted as undertaking to the Court.

6. The grievance of the Plaintiff is with respect to the packaging that was adopted by the Defendant and not the brand name “Shakti White” used by the Defendants. The Plaintiff has no objection to the Defendant continuing to use this brand name, subject to his undertaking given above, and subject to a decree in its favour. Since the undertaking is accepted and the decree is passed, the Plaintiff’s no-objection is noted and accepted as well.

7. The Court Receiver stands discharged without passing accounts but on payment of his costs, charges and expenses within four weeks from today by the Plaintiffs.

8. Notice of Motion No. 647 of 2017 does not survive and is disposed of accordingly.
9. All concerned to act on an authenticated copy of this Order.

(G. S. PATEL, J.)