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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
ORDINARY ORIGINAL CIVIL JURISDICTION  
IN ITS COMMERCIAL DIVISION  
COMM SUIT (L) NO. 142 OF 2017  
WITH  
NOTICE OF MOTION (L) NO. 145 OF 2017  
AND  
LEAVE PETITION NO. 117 OF 2017**

|                              |               |
|------------------------------|---------------|
| Kalpataru Properties Pvt Ltd | ...Plaintiffs |
| <i>Versus</i>                |               |
| Vinayak Infrastructure       | ...Defendant  |

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**Dr Veerendra Tulzapurkar, Senior Advocate, with Smriti Yadav,  
Vivek A, & Aditi Chavan, i/b Khaitan & Co, for the Plaintiffs.  
Mr Vikhil Dhoka, with Shefali Kothari, i/b Solicis Lex, for the  
Defendant.**

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**CORAM: G.S. PATEL, J  
DATED: 30th March 2017**

**PC:-**

1. The Leave Petition under Clause XIV is made absolute.
  
2. On behalf of the Defendant a statement is made that they have already deleted all use on the internet of the offending name or mark **Kalpataru Hills**. The Defendant do not have registration of a

domain name with the mark **Kalpataru** in it. The mark was being used as a sub-domain. That has been discontinued and this is confirmed in the Affidavit in Reply dated 29th March 2017. Mr Dhoka also confirms that the email addresses of the Defendant do not use the mark either and these have also been changed. This statement is noted and accepted as an undertaking to the Court.

3. Mr Dhoka also makes a statement that all brochures and materials have been destroyed and which may have contained the offending mark **Kalpataru** or **Kalpataru Hills**. This statement is also noted and accepted as an undertaking to the court.

4. The Suit is decreed in terms of prayer clauses (a), (b) and (d). The prayer for damages is not pressed.

5. The Notice of Motion does not survive and is disposed of as infructuous.

6. The suit is disposed of in these terms. Refund of court fee, if any, in accordance with the Rules.

7. Drawn up decree dispensed with.

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

9. Affidavit to be filed in the Registry.

**(G. S. PATEL, J.)**