

- (i) Leave Petition No.168 of 2017 is allowed;
- (ii) The Defendants submit to a decree in terms of prayer clause -(a), except the bracketed portion, and prayer clause (b) of the plaint;
- (iii) The Plaintiff does not press its other prayers;
- (iv) The Defendants state that they shall not use the word “METRO” by itself or in any combination for marketing any of their goods including shoes and leather bags. The Defendants instead offer to market their goods including shoes and leather bags under the trade name “METRENDS”. The Defendants, accordingly, offer to withdraw their existing application for registration of the service mark in Class 35 containing the word “METRO”. The statement and offer are accepted;
- (v) In the event, the Defendants use the word “METRO” or any deceptively similar mark in connection with their services, the Plaintiff will be at liberty to apply for suitable reliefs. The rights and contentions of both the parties in this behalf are kept open;
- (vi) This order shall come into effect after eight weeks from today;

(vii) The Commercial Suit is disposed of accordingly.

2 In view of the disposal of the Suit, the Notice of Motion does not survive and the same is also disposed of.

3 No order as to costs.

4 Refund of court fees in accordance with the applicable Rules.

(S.C. GUPTE, J.)