

Shailaja

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

LEAVE PETITION NO. 273 OF 2017

IN

COMMERCIAL SUIT [L] NO. 477 OF 2017

M/s. Metro Shoes Ltd & Anr.] Plaintiffs

Vs.

Metro Store] Defendants

.....

Mr. Amit Jamsandekar i/b Piyush Shah, for the plaintiff.

.....

CORAM: K.K. TATED, J.

DATED : 10th November, 2017.

P.C. :

Heard Mr. Jamsandekar, learned Counsel for the petitioner. Though the respondent was duly served, none appeared on behalf of the respondent.

2. Learned Counsel for the petitioner submits that respondent by his letter dated 1st November, 2017 informed to the Advocate for the plaintiff that they are ready and willing to change the name and style of their partnership firm, shop's name and marking on their goods. The said letter is already placed on record by the petitioner.

3. Considering this fact and submission made by learned Counsel for the petitioner, I am satisfied that the petitioner has made out a case for allowing this Leave Petition. Hence, the following order.

: ORDER :

- [1] Leave Petition is allowed in terms of prayer clause
 - (a) which reads thus:
 - (a) That the petitioner be granted leave under Clause XIV of the Letters Patent to join the cause of action in respect of the act of passing off committed by the Respondent with the cause of action for infringement of registered trademarks;
- [2] The Petition is disposed of accordingly.

(K.K. TATED, J.)