

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**ORDINARY ORIGINAL CIVIL JURISDICTION****SUIT NO.900 OF 2016**

Hindustan Unilever Limited

....Plaintiff

V/s.

Super Plus Packaging

....Defendant

Mr.Ashutosh Kane a/w Ms.Akshata Kamath and Ms.Chitra Sundar
i/by W.S.Kane & Co. for the plaintiff.

Mr.Suraj Iyer i/by M/s.Ganesh & Co. for the defendant.

Mr.Naresh AmrubhaiKhuman-partner of the defendant present in
Court.

CORAM : K.R.SHRIRAM,J**DATE : 4.5.2017****P.C.:-**

1 The parties have tendered consent Minutes of the Order dated 4.5.2017 which is taken on record and marked 'X' for identification.

2 Order in terms of consent Minutes of the Order. Minutes of the Order read as under :-

"1. The Defendant submits to a decree in terms of prayer clauses (a), (b) and (d) of the Suit.

2. Suit stands decreed in terms of prayer clauses (a), (b) and (d). Court Receiver stands discharged without passing of account. The Counsel for the plaintiff undertakes to pay all charges of the Court Receiver within two weeks of receiving intimation from the Court Receiver.

3. The impugned packaging containing detergent which has been sealed by the Court Receiver and kept in the premises

of the Defendant will be destroyed by the Defendant and it shall file an affidavit to that effect within six weeks. The Defendant will however be at liberty to remove the contents of the impugned packaging and to reuse them in a non-infringing packaging. The plaintiff will follow up with the Defendant for destruction of those goods.

4. No order as to costs.

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

3 Prayer clauses-(a), (b) and (d) read as under :-

"(a) the Defendant by itself, its proprietor, partners, directors, servants, agents, dealers, stockists, distributors and all persons claiming under it be restrained by a permanent order and injunction of this Hon'ble Court from infringing the plaintiff's registered trade marks bearing Registration Nos.1780462, 1486107 and 1486108, all in class 03 by the use of the impugned logo shown at Exhibits "E-1", "E-2" and "E-3" hereto and/or any other trade mark/logo identical with and/or deceptively similar to the plaintiff's registered trade marks bearing Registration Nos.1780462, 1486107 and 1486108, all in class 03 in respect of the goods covered by the Plaintiff's aforesaid registrations and/or like goods or in any other manner whatsoever.

(b) the Defendant by itself, its proprietor, partners, directors, servants, agents, dealers, stockists, distributors and all persons claiming under it be restrained by a permanent order and injunction of this Hon'ble Court from using the impugned logo shown at Exhibits "E-1", "E-2" and "E-3" hereto and/or any other trade mark/logo which is identical with and/or closely and deceptively similar to the plaintiff's said logo shown at Exhibit "A" hereto upon and in relation to detergent powder and/or detergent cake and/or the like goods so as to pass off or enable others to pass off its goods as and for the well-known goods of the plaintiff or in any other manner whatsoever.

(c)

(d) that the Defendant be ordered and decreed to deliver up to the plaintiff for destruction the impugned goods, cartons, labels, pouches, wrappers, dies, blocks, business papers, stationery, packing material, advertising material and things bearing the impugned logo shown at Exhibits "E-1", "E-2" and "E-3" hereto and/or any other trade mark/logo which is identical with and/or closely and deceptively similar to the plaintiff's said logo shown at Exhibit "A" hereto."

4 Refund of court fees if any, in accordance with Rules.

All to act on an authenticated copy of this order.

(K.R.SHRIRAM,J)