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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION**

LEAVE PETITION NO.313 OF 2017

Narayan Thimma Poojari	...Petitioner
Versus	
New Shiv Sagar Veg and Proud and Anr.	...Respondents

Mr.Kuber Wagle, i/b M/s.Purnanand and Company, for the Petitioner

Ms.N.S.Don-Theba i/b Theba and Associates, for the Defendants.

CORAM : G.S.KULKARNI, J.

DATE : 22nd DECEMBER, 2017

P.C. :

1. By this petition, the petitioner is seeing leave under Clause XIV of the Letters Patent for filing the present suit against the respondent.

2. Perused the averments as made in the petition. The Commercial Suit is intended to be filed against the respondent for the acts of infringement of the petitioner's registered trade mark and also for passing off committed by the Respondent by using the trade mark "New

Shiv Sagar Veg and Proud” and the trading name/style of “New Shiv Sagar Veg and Proud” which is stated to be identical and/or deceptively similar to the petitioner's “Shiv Sagar Veg Restaurant” trade mark and also for infringement of copyright of the petitioner's artistic work of the said Trademark/label “Shiv Sagar Veg Restaurant” along with the portrait/picture of “Shiv” Bhagwan and also for damages, appointment of Court Receiver, injunction and other incidental and consequential reliefs.

3. Considering the aforesaid averment, the Leave Petition is allowed in terms of prayer clause (a). No costs.

G.S.KULKARNI, J.