

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

**NOTICE OF MOTION (LODG.) NO. 3348 OF 2016  
WITH  
LEAVE PETITION NO. 361 OF 2016  
IN  
SUIT (LODG.) NO. 1058 OF 2016**

Ajmal Holding & Investment Pvt. Ltd. & Anr. .. Plaintiffs  
Vs.  
Ajwad Perfumes .. Defendant

Dr.Birendra Saraf a/w. Mr.Minesh Andheria and Ms.Janhvi Chadha and  
Mr.Jay Shah for Krishna and Saurastri Associates LLP for plaintiffs.

None for defendant.

**CORAM : K.R.SHRIRAM, J.  
DATE : 5<sup>TH</sup> JANUARY, 2017**

**P.C.**

1 On 1<sup>st</sup> December 2016, the notice of motion was directed to be listed on 5<sup>th</sup> January 2017 for ad-interim relief and direction to the defendant to file affidavit in reply on or before 16<sup>th</sup> December 2016 was also passed. No reply has been filed. The plaintiffs have filed an affidavit of service of one Abhijit M. Nakashe, affirmed on 30<sup>th</sup> November 2016.

2 Dr.Saraf appearing for the plaintiffs also places on record an email dated 30<sup>th</sup> November 2016 received by the plaintiffs' advocate from Holla

Associates instructed by the defendant stating that the defendant shall cease and desist from using the present trade mark 'AJWAD' and also adopt a new logo. It is also stated that the defendant has no intention of contesting the matter. The registry has also received an undertaking dated 30<sup>th</sup> November 2016 and it appears that it is from the defendant, stating that the defendant has no intention of using the trade mark 'AJWAD' for sale of perfumes and this Court may be pleased to dispose of the suit after taking this undertaking of the defendant in the interest of justice.

The undertaking accepted.

3 Reading this undertaking and the e-mail together, it is quite obvious that the defendant has no intention to contest the suit and for grant of the reliefs as prayed for in the suit. The email dated 30<sup>th</sup> November 2016 is taken on record and marked 'X' for identification and the undertaking is taken on record and marked 'Y' for identification.

4 The suit, therefore, stands decreed in terms of prayer clauses (a), (b) and (c).

5 Decree be drawn up accordingly.

6 Leave Petition No.361 of 2016 is allowed.

7 The notice of motion disposed of.

Notwithstanding the disposal of the suit and the notice of motion, the plaintiffs to remove all office objections and get the same numbered within two weeks from today.

**(K.R. SHRIRAM, J.)**