

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

**SUIT (L) NO.605 OF 2018
WITH
NOTICE OF MOTION (L) NO.1114 OF 2018
WITH
LEAVE PETITION NO.142 OF 2018**

Hindustan Unilever Ltd. ... Plaintiff
versus
K. Kanhiya Soap and Detergent ... Defendant

Mr. Hiren Kamod i/by M/s. ALJ and Partners, for Plaintiff.
Mr. Rohan Cama with Ms. Sheetal Kotecha, Mr. Vishal Maheshwari i/by M/s. VM
Legal, for Defendant.

CORAM: S.J. KATHAWALLA, J.

DATE: 4th JUNE, 2018

P.C.:

1. The learned Advocate for the Plaintiff tenders draft amendment and seeks to amend the Plaint in terms of the draft amendment. Draft amendment is taken on record and marked 'X' for identification. The Plaintiff is allowed to amend the Plaint in terms of the draft amendment, marked 'X'. Amendment to be carried out within a period of one week from today. Re-verification is dispensed with.
2. Heard the learned Advocates for the parties and by consent, the following order is passed :
 - (i) Leave under clause XIV of the Letter Patent is granted to the Plaintiff.

(ii) The above Suit is decreed in terms of prayer clauses (a), (b) and (d)

which are reproduced hereunder :

“(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.1486109, 1780462 and 1486107 all in class 03 by the use of the impugned logo shown at Exhibit G hereto and/or any other trade mark/logo identical with and/or deceptively similar to the Plaintiff's registered trade marks bearing Registration Nos.1486109, 1780462 and 1486107 all in class 03 in respect of the goods covered by the Plaintiff's aforesaid registrations and/or the 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 Exhibit G 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 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;

(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 Exhibit G hereto and/or any other trade mark/logo which is identical with and/or closely and deceptively similar to the Plaintiff's registered trade marks bearing Registration Nos.1486109, 1780462 and 1476107 all in class 03;

(iii) The Defendant undertakes to pay costs of Rs.10,00,000/- to the Plaintiff as follows :

Rs.5,00,000/- on or before 18th June, 2018;

Rs.5,00,000/- on or before 16th July, 2018;

(iv) In view of the above order, the Suit is disposed of. Refund of Court Fees, if any, as per rules. Notice of Motion (L) No.1114 of 2018 also stands disposed of. The Court Receiver stands discharged, without passing any accounts, but upon payment of his costs, charges and expenses by the Plaintiff. The detergent powder packets seized by the Court Receiver shall be opened by the parties in the presence of their representatives and the powder therein shall be returned to the Defendants and the packets shall be forthwith destroyed.

(v) Though the Suit is disposed of, place the matter on board to report Compliance on 18th June, 2018.

(S.J.KATHAWALLA, J.)