

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
ORDINARY ORIGINAL CIVIL JURISDICTION  
IN ITS COMMERCIAL DIVISION  
CHAMBER SUMMONS NO.591 OF 2018  
IN  
IP SUIT NO.342 OF 2016**

|                           |     |                     |
|---------------------------|-----|---------------------|
| Theobroma Foods Pvt. Ltd. | ... | Applicant/Plaintiff |
| versus                    |     |                     |
| Karan Narula and Ors.     | ... | Defendants          |
| and                       |     |                     |
| Theobroma and Ors.        | ... | Respondents         |

Mr. Sandeep Parikh with Mr. Manoj Menda, Ms. Mansi Munshi, Ms. Mallika Mahidar i/by Ms. Preeti Shah, for Plaintiff.

Mr. Sharan Jagtiani with Mr. Vishal Narichania i/by Mr. Prakash Mahadik, for Defendant Nos.1 and 2.

**CORAM: S.J. KATHAWALLA, J.**

**DATE: 1<sup>st</sup> AUGUST, 2018**

**P.C.:**

1. Perused the Chamber Summons and the Affidavit in support thereto. The learned Advocate for the Defendants as well as Respondent Nos.1 to 4 state that they have not used the mark "Theobroma" since the year 2008; Respondent No.1 – Theobroma, is not in existence since 2016; Respondent No.3 i.e. 'Theo's Cafe and Lounge' is the name of an outlet and not a firm. In view thereof, the names of Respondent Nos.1 and 3 are deleted from the array of parties in the Chamber Summons and from the Schedule. The Complaint is therefore, allowed to be amended as per the Schedule annexed to the Chamber Summons with the following modification :

(i) Theos Food Pvt. Ltd., will be joined as Defendant No.4; Theo's Global Culinaria will be joined as Defendant No.5; and Vishrut Kumar Gauri, who is not been represented by any Advocate, will be joined as Defendant No.6, along with consequential amendments.

2. It is clarified that the contents of the Affidavit in support of the Chamber Summons are not admitted by the Defendants including the proposed Defendants and all the contentions of the parties are kept open.

3. Amendments to be carried out within a period of one week from today.

4. The Chamber Summons is accordingly disposed of.

**( S.J.KATHAWALLA, J. )**

Swaroop  
Sharad  
Phadke

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by Swaroop  
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