

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
ORDINARY ORIGINAL CIVIL JURISDICTION  
IN ITS COMMERCIAL DIVISION  
IP SUIT (L) NO.935 OF 2018  
WITH  
NOTICE OF MOTION (L) NO.1698 OF 2018  
WITH  
LEAVE PETITION NO.224 OF 2018**

Hindustan Unilever Ltd. ... Plaintiff  
versus  
Goyal Soap and Chemical Industry and Anr. ... Defendants

Mr. Dhiren Karania I/by M/s. Khaitan and Co., for Plaintiff.  
Mr. Javed Hussein with Mr. Mubashir Hussein, Ms. Munibah Iram, Ms. Saba Shaikh,  
Ms. Reshma Khatri, Ms. Firdous Khan I/by M/s. Hussein and Co., for Defendant  
No.2.  
Mr. Satish Gangurde, Section Officer, Court Receiver Office, present.  
Mr. Rohit Goyal, present.

**CORAM: S.J. KATHAWALLA, J.  
DATE: 3<sup>rd</sup> AUGUST, 2018**

**P.C.:**

1. Leave under Clause XIV of the Letters Patent Act, is granted.
2. The learned Advocate for Respondent No.2 states that he is also appearing for Defendant No.1 and undertakes to file his Vakalatnama for the same. The undertaking is accepted.
3. The learned Advocate for the Defendants on instructions states that he submits to a decree in terms of prayer clauses (a) and (b) of the Plaint, which are reproduced hereunder :

“(a) the Defendants directly or indirectly by themselves, their concerns,

partners, servants, employees, agents, dealers, distributors and all persons claiming under them be restrained by a perpetual order and injunction of this Hon'ble Court from using or causing to be used the impugned packaging / trade dress or any other packaging / trade dress identical or similar to the Plaintiff's said artistic packaging / trade dress in relation to the impugned goods or any goods or in any manner from manufacturing, marketing or offering for sale, advertising or dealing in any goods bearing the impugned packaging/ trade dress or any other packaging / trade dress identical or similar to the Plaintiff's said artistic packaging/trade dress so as to infringe the Plaintiff's copyright subsisting in the said artistic packaging / trade dress;

(b) the Defendants directly or indirectly by themselves, their concerns, partners, servants, employees, agents, dealers, distributors and all persons claiming under them be restrained by a perpetual order and injunction of this Hon'ble Court from using or causing to be used the impugned packaging / trade dress or any other packaging / trade dress identical or similar to the Plaintiff's said artistic packaging / trade dress in relation to the impugned goods or any goods or in any manner from manufacturing, marketing, or offering for sale, advertising or dealing in any goods bearing the impugned packaging/trade dress or any other packaging / trade dress identical or similar to the Plaintiff's said artistic packaging / trade dress so as to pass off or enable others to pass off the Defendants' impugned goods as being those of the Plaintiff;

4. The Defendants undertake to extend full co-operation to the Plaintiff to take action against the manufacturer. The undertaking is accepted.
5. The Court Receiver stands discharged without passing any accounts, but upon payment of his costs, charges and expenses by the Plaintiff.
6. 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.
7. The Suit is accordingly disposed of. Refund of Court Fees, if any, as per rules. Notice of Motion also stands disposed of.

( S.J.KATHAWALLA,J. )

Swaroop  
Sharad  
Phadke

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by Swaroop  
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