

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY AND ORIGINAL CIVIL JURISDICTION
COMMERCIAL NOTICE OF MOTION (L) NO.1173 OF 2019
IN
COMMERCIAL IP SUIT (L) NO.541 OF 2019**

Raymond Limited

..Plaintiff

Vs.

Radhika Export and Anr

..Defendants

WITH
LEAVE PETITION (L) NO.193 OF 2019
IN
COMMERCIAL IP SUIT (L) NO.541 OF 2019

Mr. Hiren Kamod a/w Mr. Shailendra Bhandare and Ms Udit Kanwar I/b
Khaitan and Co. for Plaintiff/Applicant

Mr. Gauraj Shah I/b Ms Sunita Chaukar for Defendants

Mr. Mukesh Jalan – Defendant No.2 present

CORAM : K.R.SHRIRAM, J.

DATE : 3rd JUNE 2019

P.C.:

1 Mr. Shah states that defendant no.2 is present in court and identifies him. On instructions from defendant no.2 Mr. Shah states that defendants have ceased to use the words “Raymond and “The Complete Man” from the sign board of his shop. Defendant No.2, Mr. Mukesh Jalan, personally undertakes to this court that he shall not use the words “Raymond and “The Complete Man” on the sign board of his shop. Mr. Shah, however, states that Mr. Jalan should be permitted to sell his goods as Raymond goods. I see no problem in that and Mr. Kamod also agreed with this.

2 Mr. Shah tenders some photographs to substantiate his statement that defendants have stopped using the words “Raymond and “The Complete Man” from the sign board of his shop.

3 Mr. Kamod states that his client took inspection of the shop and did not find the words “Raymond and “The Complete Man” on the sign board of defendants' shop. Mr. Shah states that defendants shall not put the signboard as “Raymond and “The Complete Man”. Statement accepted as an undertaking to this court.

4 Mr. Kamod States that defendants have further breached an injunction order passed on 30th April 2019 as recorded in the order dated 3rd May 2019. Mr. Kamod states that defendants should therefore, be put to terms and the court may direct him to give donation to any chartiable trust. In my view, it is a fair suggestion.

5 Defendants to pay Rs.1 lac to District Disabled School (DDS), Jharsuguda, Pincode-768201, State- Odisha and the bank account details are as under:

Bank name: Union Bank of India,
A/c holder:- District disabled school, Jharsuguda
A/c number:- 354002010008722
IFS Code :- UBIN0535401
MICR Code:- 768026202
Bank Address:- Main Road, At/post Jharsuguda, Dist-
Jharsuguda-768 201, Odisha

Defendants shall file affidavit in compliance within two weeks from today and also provide copy of the said affidavit to plaintiff.

6 Suit accordingly stand disposed with liberty to apply, if the compliance affidavit is not filed and copy served. No payment of this donation as mentioned above and the breach of the undertaking given as recorded earlier, will be viewed as an aggravated contempt by defendants.

7 Refund of court fees in accordance with rules.

8 Notice of Motion and Leave Petition accordingly stand disposed.

9 The above order is recorded without prejudice to the rights and contentions of defendants that this court has no jurisdiction.

(K.R. SHRIRAM, J.)