

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

COMMERCIAL IP SUIT NO.45 OF 2010

Naresh B. Khatar and Anr.Plaintiffs

Vs.

Mahendra and Mahendra and Anr.Defendants

Ms. Karishma Shirke i/b. Gordhandas and Fozdar for plaintiffs.

Mr. Dhiren Karania i/b. M.K. Banatwala for defendant no.1.

Mr. H.W. Kane a/w. Mr. Nikhil Sharma i/b. W.S. Kane and Company for defendant no.2.

CORAM : K.R.SHRIRAM, J.

DATE : 14th JUNE 2019

P.C.:

1 Ms. Shirke, counsel for plaintiffs seeks leave to withdraw the suit since her instructions are that defendants have stopped using the trademark. Ms. Shirke, however, seeks liberty to file fresh suit should it appear that defendants are still using the trademark or as and when defendants infringe the trademark again.

2 Suit dismissed as withdrawn with the liberty as prayed for. Refund of court fees, if any in accordance with rules.

(K.R. SHRIRAM, J.)