

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

CONTEMPT PETITION NO.71 OF 2017

IN

SUIT NO.733 OF 2015

Lata Pharma and Ors.

....Petitioners

Vs.

Max Nutraciticals Firm and Ors.

....Respondents

Ms. Jeenal Upadhyay i/b. Ms. Meghana M. Kadam for petitioners.

Mr. Virendra T. Dubey for respondents.

CORAM : K.R.SHRIRAM, J.

DATE : 19th JUNE 2019

P.C.:

1 On 29th July 2015 defendants had appeared and submitted to a decree. Ms. Upadhyay, counsel for petitioners states that as per the order dated 29th July 2015, where the suit was decreed in terms of prayer clauses – (a), (b) and (c), defendants could not have used the impugned mark MVBC-L or MCVC or any other mark which is deceptively similar to the mark MVBC-L. Ms. Upadhyay states that subsequently petitioners learnt that respondents are using the marks which are at Exhibit M, N and O to petition. According to petitioners, the marks in these three exhibits are deceptively similar to petitioners' marks. I am not for a moment opining whether those marks are deceptively similar. If it is so, petitioners have a cause of action in which petitioners will have to file a suit. That cannot be decided in contempt jurisdiction.

2 Petition dismissed.

(K.R. SHRIRAM, J.)