

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

**NOTICE OF MOTION NO.2500 OF 2019
IN
COMMERCIAL IP SUIT (L) NO.1169 OF 2019
WITH
LEAVE PETITION (L) NO.318 OF 2019
IN
COMMERCIAL IP SUIT (L) NO.1169 OF 2019**

Diageo Brands B.V. And Anr. ...Applicants/Plaintiffs

vs.

Munish Kumar Girdhar And Anr. ...Defendants

.....

Mr. Hiren Kamod, a/w. Mr. Ramesh Gajria and Ms. Deepa Hate, i/b. Gajria & Co., for the Plaintiffs/Applicants.

Mr. Munish Kumar Girdhar, Defendant No.1 present in person.

Mr. N.A. Bandodkar, IInd Assistant to Court Receiver present.

.....

CORAM : S.C. GUPTE, J.

DATE: 27 NOVEMBER 2019

P.C.:

. This Commercial IP Suit seeks reliefs in respect of infringement of a registered trade mark as also passing off of goods. Defendant No.1 appears in person. His identity is verified by the Associate. He submits to a decree in terms of prayer clauses (a) to (c) of the plaint. Learned Counsel for the Plaintiffs submits that the Plaintiffs are not pressing the suit against Defendant No.2 and reserve their right to file a fresh suit, in case Defendant No.2 is found infringing their

intellectual property rights. Learned Counsel have drawn Minutes of Order for disposal of the suit accordingly. The Minutes of Order signed by the Advocates of the Plaintiffs and Defendant No.1 in person are taken on record, marked "X" for identification. The Leave Petition is, accordingly, allowed and there will be an order in terms of the Minutes of the Order. The Commercial IP Suit is disposed of accordingly. A decree be drawn up accordingly.

2. Court Receiver, High Court, Bombay, appointed as a receiver in accordance with the ad-interim order passed in the suit, to stand discharged without passing accounts. The receiver's costs, charges and expenses shall, however, be paid by the Plaintiffs. The Plaintiffs shall honour the memo of such costs, charges and expenses issued to them by the Receiver's office within three weeks of receipt of the memo.

3 In view of the disposal of the Commercial IP Suit, the notice of motion taken out therein does not survive and is disposed of.

Smita
Gonsalves

Digitally signed
by Smita
Gonsalves
Date: 2019.12.06
17:51:58 +0530

(S.C.GUPTA, J.)