

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

NOTICE OF MOTION NO.2866 OF 2011

IN

SUIT NO.1359 OF 1993

Reckitt and Colman of India Limited Plaintiff

Vs.

Balsara Hygiene Products Limited Defendants/Applicants

Mr. Hemang Engineer i/b. M/s. Gordhandas and Fozdar for plaintiff.

Mr. Prakash Shah a/w. Mr. Jas Sanghavi i/b. PDS and Associates for
defendants/applicants in NMS/2866/2011.

CORAM : K.R.SHRIRAM, J.

DATE : 11th JUNE 2019

P.C.:

1 This notice of motion is for setting aside the ex-parte decree dated 5th August 2011. Mr. Shah states that defendants have specifically changed the design of the bottle of its product Sanifresh and also sent the changed design to plaintiff for its approval. It is stated in the affidavit in support that plaintiff has also approved the design of the bottle of Sanifresh. Mr. Shah states that therefore, what will remain in the decree is only the nominal damages for Rs.55,000/-. Mr. Shah states that his instructions are, subject to what plaintiff's counsel states, to give this amount or any other amount as the Court may direct to a charity. Mr. Engineer, counsel for plaintiff is agreeable.

2 Therefore, defendants are directed to give a donation of Rs.1 lakh to National Defence Fund (NDF), State Bank of India, Institutional

Division, Parliament Street, New Delhi, Account No.11084239799-www.pmindia.nic.in and this amount to be paid within two weeks from today. Upon payment of this amount and proof of payment being sent to plaintiff's advocates, the decree will stand satisfied.

3 Notice of motion accordingly stands disposed.

(K.R. SHRIRAM, J.)