

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

**COMMERCIAL IP SUIT (L) NO.1136 OF 2019
WITH
INTERIM APPLICATION NO.1 OF 2019
WITH
LEAVE PETITION (L) NO.392 OF 2019
(NOT ON BOARD)**

Marico Limited	...	Plaintiff
Versus		
V.M. Enterprise		
And Another	...	Defendants

.....

Mr. Hiren Hamod a/w Mr. Vaibhav Keni and Ms. Neha Iyer i/b Legasis Partners for the Plaintiff.

Mr. Vimal Kumar Mangilal Jain, Proprietor of Defendant No.1 present.

Mr. Mansukhlal A. Bathani, Proprietor of Defendant No.2 present.

Mr. D.N. Kher, Court Receiver present.

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CORAM : S.C. GUPTE, J.

DATE : 13 DECEMBER 2019

P. C. :

. This commercial IP suit is in respect of infringement of registered trade marks as well as copyright of the Plaintiff in the artistic work of their packaging materials or trade dress as also a case of passing off. Learned Counsel for the Plaintiff and the Defendants, who are sole proprietors and who appear in person, tender consent terms, duly signed by parties and also by the Advocates of the

Plaintiff. The consent terms handed in are taken on record, marked 'X' for identification. The statements and undertakings contained therein are accepted and the commercial IP suit is disposed of in terms of the consent terms. Court Receiver, High Court, Bombay is directed to hand over possession of all infringing goods and other materials seized by the Receiver's office to the Plaintiff in accordance with clause -4 of the consent terms taken on record. After handing over the goods and other materials, Court Receiver shall stand discharged without passing accounts. The costs of the visit of the Receiver's representative for handing over the seized goods and materials to the Plaintiff shall be borne by the Defendants. The Defendants shall pay such costs upfront to the Receiver's representative by arranging his transport to and fro the site. The Receiver's other costs, charges and expenses shall, however, be paid by the Plaintiff within three weeks of receiving a communication in that behalf from the Receiver's office. The commercial IP suit together with leave petition is disposed of accordingly. Decree be drawn up.

2 In view of the disposal of the suit, the Interim Application does not survive and is disposed of.

(S.C. GUPTE, J.)

Rajesh V.
Chittewan

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by Rajesh V.
Chittewan
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