

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

CONTEMPT PETITION NO.85 OF 2016

IN

SUIT NO.794 OF 2014

Meher Distilleries Pvt. Ltd.

)....Petitioner

V/s.

Veekay distilleries Limited

)....Respondent

Mr.H.W.Kane a/w Ms.Vedangi Soman i/by W.S.Kane and Co.for petitioner.

[Mr.Vaspar Viraf Chony-director of petitioner present].

Dr.Birendra Saraf a/w Mr.Aseem Naphade i/by S.J.Khera for respondent nos.1 to 4.

[Mr.Sunny Dharmu Budhwani-director of respondent present].

CORAM : K.R.SHRIRAM,J

DATE : 7.8.2019

P.C.:-

1. Parties have tendered consent minutes of the order dated 7.8.2019 which is signed by the director of plaintiff, director of defendant and their respective advocates. The same is taken on record and marked 'X' for identification.

2. For ease of reference, scanned copy of consent minutes of the order is reproduced below :-

KJ

X 1
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7/8/19

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
SUIT NO. 463 OF 2015
AND
CONTEMPT PETITION NO. 85 OF 2016

MEHER DISTILLERIES PVT. LTD.

...PLAINTIFF

VERSUS

VEEKAY DISTILLERIES LIMITED

...DEFENDANT

CONSENT MINUTES OF THE ORDER

Mr. Himanshu Kane a/w Ms. Vedangi Saxena, Advocates i/b/y N.S. Kane & Co., for the Plaintiff.

Dr. Birendra Saraf, a/w Mr. Aseem Naphade i/b Mr. S.J. Khara, for the Defendant.

Mr. Vaspar Viraf Chinoy, Director of the Plaintiff present.

Mr. Sunny Dharma Budhrani, Director of the Defendant present.

Coram: K.R. Shrivastava, J.

Wednesday, 7th August, 2019

P.C.:-

1. The Defendant states that the use of the bottles with the impugned mark after the order dated 3 September 2014 was unintentional. The Defendant tenders an unconditional apology for the same.

2. The Defendant through its Director Mr. Sunny Dharmu Budhwani agrees and undertakes to this Hon'ble Court to pay to the Plaintiff a sum of Rs. 14,00,000/- (Rs. Fourteen Lakhs Only) in the following manner, time being of essence:-

- (i) Rs.5,00,000/- on 7th August, 2019;
- (ii) Rs.5,00,000/- on or before 7th September, 2019; and
- (iii) Rs.4,00,000/- on or before 7th October, 2019.

3. The above undertaking given by the Defendant is accepted. Upon the aforesaid sum of Rs. 14,00,000/- being paid, all disputes between the parties arising out of Suit No. 460 of 2016 shall stand resolved. The Plaintiff confirms that on receipt of the money as aforesaid, the Plaintiff has no further claim against the Defendant.

4. The Plaintiff reserves its right to initiate appropriate legal proceedings against the Defendant for any future violations pertaining to the Plaintiff's intellectual property.

5. The Court Receiver stands discharged without passing accounts but subject to payment of his cost, charges and expenses by the Plaintiff.

6. No order as to costs.

The block contains three handwritten signatures or initials in blue ink. The first is a cursive signature that appears to read 'S. Budhwani'. The second is a stylized signature or set of initials. The third is a large, bold letter 'R'.

7. Suit No. 460 of 2016 and Contempt Petition No. 85 of 2016 are accordingly disposed of.



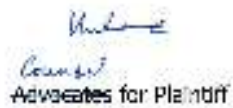
Plaintiff

(Mr. Vespas Viraf Chinoy, Director)



Defendant

(Mr. Sunny Budhwani, Director)



Counsel
Advocates for Plaintiff



Advocate for Defendant

3. Order in terms of the consent minutes of order. All statements accepted as undertakings to this Court. All undertakings given separately are also accepted.

4. Dr.Saraf for respondent nos.1 to 4 states that respondents have handed over 3 cheques for the amounts mentioned in paragraph-2 of the minutes of the order. Mr.Budhwani-director of defendant who is present in Court personally undertakes to this Court for himself, for defendant company and for the other directors of the company that these cheques will be honoured on presentation and he shall not issue any stop payment notice or close the bank account or even request petitioner to delay depositing the cheque. Same is accepted as undertaking to this court.

5. In view of the above, Mr.Kane for petitioner states that Court may consider contempt alleged against defendant as purged.

6. Accordingly, the suit and contempt petition stand disposed with no order as to costs. Refund of court fees if any, in accordance with Rules. Liberty to apply.

(K.R.SHRIRAM,J)