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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

**COMMERCIAL IP SUIT (L) NO.84 OF 2020
WITH
INTERIM APPLICATION NO.1 OF 2020
WITH
LEAVE PETITION (L) NO.33 OF 2020**

Midas Hygiene Industries Pvt. Ltd.	..Plaintiff.
V/s.	
S.R. Herbal & Anr.	..Defendants.

Mr.Hiren Kamod with Mr.B.N.Poojari, Ms.Sishti Poojari, Ms.Nidhi Bangera i/b. Asian Patent Law for the Plaintiff.

Mr.Vineet A. Saraf for the Defendants.

CORAM : S.C.GUPTE, J.

DATE : FEBRUARY 13, 2020

P.C. :-

Heard learned counsel for the parties.

2. This commercial IP suit is an infringement action in respect of a registered trademark and copyright in the artistic work of the label / trade dress / packaging material and also a passing off action. Learned counsel for the parties tender consent terms duly signed by authorised representatives of parties and also by their respective advocates. The consent terms *inter alia* provide for a decree on admission in terms of

the prayer clauses (a), (b) and (c) and other matters.

3. Leave under clause XIV of the Letters Patent is granted by allowing Leave Petition (L) No.33 of 2020 to combine the cause of action of passing off with the cause of action of infringement of trademark.

4. The consent terms are taken on record and marked 'X' for identification. The statements and undertakings in the consent terms are accepted. There will be a decree in terms of the consent terms. Let a decree be drawn up accordingly.

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

(S.C.GUPTE, J.)