

Atul

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
IN ITS COMMERCIAL DIVISION
COMMERCIAL IP SUIT NO. 72 OF 2021
WITH
LEAVE PETITION NO. 92 OF 2020
AND
INTERIM APPLICATION (L) NO. 6228 OF 2020**

Darshan Texcoat Industries Pvt Ltd	...Plaintiff
<i>Versus</i>	
Naziya Shamshudin Shaikh	...Defendant

**Mr VR Dhond, Senior Advocate, with Rashmin Khandekar &
Tanuja Liman, i/b Avesh Kayser, for the Plaintiff.
Mr Bhushan Mandlik, for the Defendant.**

**CORAM: G.S. PATEL, J
(Through Video Conferencing)
DATED: 8th April 2021**

PC:-

1. Heard through video conferencing.
2. Since the Defendant is served, the Clause XIV Petition for leave is made absolute.

3. The parties' Counsels are online. On instructions, the Advocate for the Defendant submits to a decree in terms of prayer clauses (a) to (c) of the plaint. This is noted.
4. In view thereof, Mr Khandekar does not press the prayer for damages in clause (d).
5. The Defendants also make a statement that there are no goods or products with the offending mark. The statement is noted and accepted as undertaking to the Court.
6. The Suit is decreed accordingly.
7. Drawn up decree dispensed with.
8. Refund of the Court fees in accordance with the Rules. For the purposes of Section 43 of the Maharashtra Court Fees Act and the proviso to that Section, today's date is the date of making a claim for repayment. The Prothonotary & Senior Master will issue a certificate for a refund of Court Fees computed according to the Rules. He will act on production of an authenticated copy of this order without requiring a separate application.
9. In view of this, the Interim Application does not survive and is disposed of accordingly.
10. All concerned will act on production of an ordinary copy of this order.

(G. S. PATEL, J)