

S/L 3
13.10.2022
Court. No. 28
*Sourav/
Suwayan*

**FMAT 433 of 2022
With
IA No. CAN 1 of 2022
NKKM Industries Private limited
Vs.
Jaya Industries Private Limited**

*Mr. Tilak Kumar Bose, Sr. Adv.
Mr. Subhasish Sengupta
Mr. Avirup Chatterjee*

...for the appellant.

*Mr. Debnath Ghosh
Mr. Soomya Roy Chowdhury
Mr. Abhijir Sarllar*

...for the respondent.

Heard Mr. Bose, learned Senior Advocate appearing for the appellant and Mr. Ghosh, learned Advocate appearing for respondent.

Mr. Bose submits associate companies of the appellant are the owners of the mark 'Jaya' and the label 'Jaya Coconut Oil' under Clause 29.

He further submits as biscuits are perishable commodities without prejudice to its rights and contentions, at the *ad interim* stage his client proposes to sell biscuits after blackening the word/mark/logo 'Jaya' on the packets and other devices.

The proposal is a reasonable one and would not cause prejudice to either of the parties.

Accordingly, the *ad interim* order is modified to the extent that the appellant shall be permitted to sell biscuits after blackening the word/mark/logo on the packets and

other devices. All other issues are kept open. Affidavits not being called for. Averments in the applications shall not be deemed to be admitted. With the aforesaid modifications, appeal along with interim application are disposed of.

Accordingly, the appeal being FMAT 433 of 2022 along with interim application being CAN 1 of 2022 are, thus, disposed of.

We further direct that the pleadings in the injunction petition shall be filed by the parties before the next date of hearing and the injunction application shall be disposed of at the earliest without granting any unnecessary adjournments.

(Supratim Bhattacharya, J.)

(Joymalya Bagchi, J.)