

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

**COMMERCIAL APPEAL NO. 116 OF 2022  
IN  
NOTICE OF MOTION IN COM. DIVISION NO. 242 OF 2017  
ALONG WITH  
INTERIM APPLICATION NO. 4292 OF 2022**

Hasmukh Dedia .. Appellant/Applicant  
v/s.  
Kewal Kiran Clothing Limited .. Respondent

...

Mr. Alankar Kirpekar a/w. Mr. Shekhar Bhagat, Mr. Rajas Panandikar, Mr. Ayush Tiwari i/by MAG Legal for appellant.

Mr. Ramesh Gajria, Ms. Deepa Hate i/by Gajria & Co. for respondent.

Mr. Hasmukh Dedia, appellant present.

Mr. Abhijit Warange, Authorized Signatory of respondent present.

...

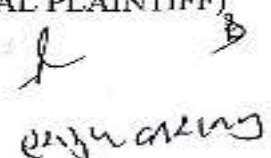
**CORAM : K. R. SHRIRAM &  
KAMAL KHATA, JJ.  
DATED : 12TH DECEMBER, 2022.**

**P.C. :**

1. The parties have amicably settled the matter and have entered into consent terms dated 9<sup>th</sup> December 2022. Consent Terms signed by appellant

and authorized signatory of respondent and their respective advocates is taken on record and marked "X" for identification. The appellant and the authorized signatories of respondent are present in court and are identified by their respective advocates.

2. For ease of reference, the Consent Terms is scanned and reproduced below:

|                                            |  |                                                                                                                                                                                             |                                                                                       |
|--------------------------------------------|--|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------|
|                                            |  | <div style="border: 1px solid black; padding: 5px; display: inline-block;">Ceram : Hon'ble Shri Justice K.R. Shukla,<br/>&amp; Hon'ble Shri Justice Karmel Khule<br/>Date: 12/12/2022</div> |                                                                                       |
| IN THE HIGH COURT OF JUDICATURE AT BOMBAY  |  |                                                                                                                                                                                             |                                                                                       |
| ORDINARY ORIGINAL CIVIL JURISDICTION       |  |                                                                                                                                                                                             |                                                                                       |
| IN ITS COMMERCIAL DIVISION                 |  |                                                                                                                                                                                             |                                                                                       |
| COMMERCIAL APPEAL NO.116 OF 2022           |  |                                                                                                                                                                                             |                                                                                       |
| IN                                         |  |                                                                                                                                                                                             |                                                                                       |
| COMMERCIAL NOTICE OF MOTION NO.242 OF 2017 |  |                                                                                                                                                                                             |                                                                                       |
| P                                          |  |                                                                                                                                                                                             |                                                                                       |
| COMMERCIAL IP SUIT NO.340 OF 2017          |  |                                                                                                                                                                                             |                                                                                       |
| HASMUKH DEDIA                              |  | )                                                                                                                                                                                           |                                                                                       |
| Trading in the name and style of           |  | )                                                                                                                                                                                           |                                                                                       |
| M/s Vadhaman Enterprises                   |  | )                                                                                                                                                                                           |                                                                                       |
| Having address at New Hill Co.Op.          |  | )                                                                                                                                                                                           |                                                                                       |
| Housing Society Limited, "B" Wing,         |  | )                                                                                                                                                                                           |                                                                                       |
| 102, Govardhan Nagar, L.B.S. Marg,         |  | )                                                                                                                                                                                           |                                                                                       |
| Mulund (West), Mumbai-400 083,             |  | )                                                                                                                                                                                           | .. APPELLANT                                                                          |
|                                            |  |                                                                                                                                                                                             | (ORIGINAL                                                                             |
|                                            |  |                                                                                                                                                                                             | DEFENDANT)                                                                            |
| VERSUS                                     |  |                                                                                                                                                                                             |                                                                                       |
| Kewal Kiran Clothing Limited               |  | )                                                                                                                                                                                           |                                                                                       |
| A Company Incorporated under the           |  | )                                                                                                                                                                                           |                                                                                       |
| Companies Act, 1956 having its office)     |  |                                                                                                                                                                                             |                                                                                       |
| At Kewal Kiran Estate, 460/7,              |  | )                                                                                                                                                                                           |                                                                                       |
| L.B. Patel Road, Goregaon (East),          |  | )                                                                                                                                                                                           |                                                                                       |
| Mumbai-400 063.                            |  | )                                                                                                                                                                                           |                                                                                       |
|                                            |  |                                                                                                                                                                                             | .. RESPONDENT                                                                         |
|                                            |  |                                                                                                                                                                                             | (ORIGINAL PLAINTIFF)                                                                  |
|                                            |  |                                                                                                                                                                                             |  |

CONSENT TERTMS

1. By Consent, Decree on admission in terms of prayers (a) & (b) of the Plaint in Commercial IP Suit No.340 of 2017 as under :-

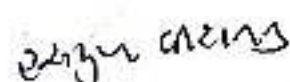
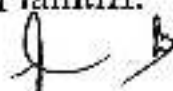
(a) that the Defendant, by itself, its servants and agents be restrained by a permanent order and injunction of this Hon'ble Court from in any manner using the trade mark "easies" or any other trade mark identical with or deceptively similar to or containing the mark "easies" as part thereof, so as to infringe the Plaintiff's registered trade marks under Nos. 1034181 in Class 18 and 837198 in Class 25;

(b) that the Defendant, by itself, its servants and agents be restrained by a permanent order and injunction of this Hon'ble Court from in any manner using the said mark "easies" or any other mark deceptively similar thereto or containing the said mark, so as to pass off or enable others to pass off his business as and for the business of the Plaintiff;

easies

2. The Appellant declares that he has a stock of existing goods as per the list annexed hereto and marked Annexure-1 and it is agreed that he may sell and dispose of the said existing stock of goods within a period of 6 months from the date of these Consent Terms. The Appellant agrees and undertakes to destroy all the remaining unsold goods at the end of the 6 months period. The Appellant/Original Defendant shall within 7 days after the expiry of the said 6 months period provide the Respondent / Org. Plaintiff or their attorneys by way of declaration the details of the stock sold out of the existing stock listed in Annexure-1 and balance stock thereafter left with the Appellant/Original Defendant and in the event balance stock is left with the Appellant/Original Defendant, fix a date with the Respondent / Original Plaintiff or their attorneys which shall be not later than 21 days for destruction of the leftover stock in the presence of the representative of the Respondent / Org. Plaintiff or their attorneys.

3. The Appellant/Original Defendant agrees and undertakes to assign to the Respondent / Org. Plaintiff the Trademark No.1067657 in Class 18 within 14 days from the execution hereof and sign all the necessary Applications and Affidavits as may be required to effectually transfer the said Trademark to the name of the Respondent / Org. Plaintiff.



4. The Appellant/Original Defendant declares that save and except the trade mark mentioned in Clause 3 above, he does not have any other registration or pending application for registration of the trademark "easies" or any other trade mark that is identical with or deceptively similar to or containing the Respondent's/Original Plaintiff's trade mark "easies".

5. The Appellant/Original Defendant agrees and undertakes that he shall not file any application(s) seeking registration of any mark identical with or deceptively similar to the Respondent's/Original Plaintiff's marks "easies" or any other trade mark containing the Respondent's/Original Plaintiff's trade mark as a part thereof.

6. In view of the above, the Respondent/Original Plaintiff does not press for any other relief against the Appellant.

7. In view of the above, Commercial Interim Application No.4292 of 2022 and Commercial Appeal No.116 of 2022 hereby stand disposed off.

8. No order as to costs.

9. Refund as per the rules.

Dated this 09<sup>th</sup> day of December, 2022

*[Signature]*

*[Signature]*

Hasmukh Dedia

*Hasmukh Dedia*  
As the signature of Hasmukh Dedia)

Appellant (Original Defendant) (ABHIJIT B. WARANGE)

For, Kewal Kiran Clothing Ltd.  
Respondent (Original Plaintiff)

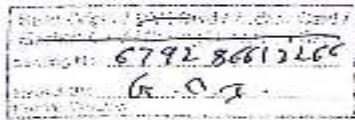
*[Signature]*  
Company Secretary

*For, [Signature]*  
Advocate for the Appellant

MAG Legal

*[Signature]*  
R. H. GAJRIA  
Advocate for the  
Respondent  
Gajria & Co.

INTERPRETED by me in Gujarati  
as Hasmukh Dedia only  
Sworn Interpreter  
High Court, Bombay  
Date : 09/12/2022



F15-10  
N01008  
Dt. 9/12/22



2. Both signatories state they have read/understood the contents of the consent terms. All statements accepted as undertaking to this court and undertakings are also accepted.

3. Order in terms of Consent Terms. Appeal accordingly disposed.

4. Counsel state that the suit may also be disposed by this order. Suit also accordingly disposed. No order as to costs. Refund of court fees in the suit in accordance with rules. All to act on authenticated copy of this order.
5. All interim applications in the appeal as well as in the suit are disposed.

**(KAMAL KHATA, J.)**

**(K.R. SHRIRAM, J.)**