

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

**COMMERCIAL IP SUIT (L) NO. 17739 of 2022
WITH
INTERIM APPLICATION (L) NO. 17840 of 2022
WITH
LEAVE PETITION NO. 132 OF 2022
IN
COMMERCIAL IP SUIT (L) NO. 17739 of 2022**

Hindustan Unilever Limited ... Applicant/Plaintiff

Versus

Navkar Creation & Anr. ... Defendants

Mr. Rashmin Khandekar a/w Ms. Niyati Davawala i/b Davawala & Shah
LLP for the Plaintiff.

Ms. R.V. Rane, 2nd Asstt. to C.R. present.

CORAM : R.I. CHAGLA, J.

DATED : 30th SEPTEMBER, 2022.

ORDER :

1 The learned Counsel appearing for the Plaintiff seeks leave to withdraw the Commercial IP Suit (L) No.17739 of 2022 on the ground that the cause of action against the Defendants no longer continuous in view of the Defendants not using the impugned mark at present. He has sought liberty to file fresh Suit in the event that the Defendants commences using the impugned mark in future.

2 In view thereof, the Commercial IP Suit (L) No.17739 of 2022 is disposed of as withdrawn with liberty to the Plaintiff to adopt appropriate proceedings in the event the Defendants commences using the impugned mark.

3 In view of the disposal of the Suit, the Leave Petition No.132 of 2022 and Interim Application (L) No.17840 of 2022 no longer survives and are disposed of.

4 The Court Receiver is discharged without passing up of accounts and upon payment of costs, charges and expenses if any, to be borne by the Plaintiff.

5 Court fees are to be refunded 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.

(R.I. CHAGLA, J.)

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signed by
WAISHALI
SUSHIL
WAGHMARE
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