

SHRIKANT
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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

INTERIM APPLICATION NO. 455 OF 2022

WITH

LEAVE PETITION NO. 296 OF 2021

IN

COMMERCIAL IP SUIT NO. 420 OF 2021

Prestige Holiday Resorts LLP

...Applicant/ Plaintiff

Versus

Karma Resorts & Hospitality LLP & Ors.

...Defendants

- Mr. Hiren Kamod a/w Mr. Aditya Chitale, Mr. Rahul Gurjar, Ms. Priyanka Haldankar, Mr. Prashant Shetty, Ms. N. Periera i/by R. K. Dewan Legal Services, for the Applicant/Plaintiff.
- Mr. Advait Shukla a/w Ms. Shruti Maniar i/by Solomon and Co., for the Defendants.

CORAM: MANISH PITALE, J

DATE : 13TH OCTOBER, 2022.

P. C. :

1. In this suit upon summons being served, the defendants have appeared through Counsel.

2. In the interregnum, the application for interim reliefs was taken up for consideration, wherein certain statement was made on behalf of the defendants, and the matter was adjourned for further positive statement to be made on behalf of the defendant as regards the grievances raised by the plaintiff.

3. Essentially, the grievance of the plaintiff is that the defendants had been using the word "Karma" as regards their

resorts, which violated the registered marks of the plaintiff. The grievance also pertains to use of trading name and domain name containing the word “Karma”.

4. Today, when the matter is called for hearing, Mr. Advait Shukla, the learned Counsel appearing for the defendants, on instructions, has made a statement that the defendants have stopped using the said trade name, label and domain name containing the word “Karma” and now they are using some other word.

5. In view of the statement made on behalf of the defendants, the learned Counsel appearing for the plaintiff submits that the present suit could be decreed on admissions in terms of prayer clauses (a), (d) and (e), with a specific statement that the plaintiff is not pressing for reliefs as per prayer clauses (b) and (c), particularly in the light of the aforesaid statement made on behalf of the defendants.

6. Prayer clauses (f) to (j) pertain to interim reliefs pending the suit, which are rendered meaningless in the light of the fact that the suit itself can be decreed in terms of the admissions made on behalf of the defendants.

7. In view of the above, the suit is decreed in terms of prayer clauses (a), (d) and (e), which read thus :

- “(a) that the Defendants by themselves, their proprietors, partners, servants, agents and all persons acting on their behalf be restrained by a perpetual order and injunction of this Hon’ble Court from using the impugned trade marks/trading name/label/domain names at Exhibits N and N-1 hereto and/or any other impugned trade mark/trading name/label/domain name containing the word KARMA and/or any other impugned trade mark/trading name/label/domain name identical with and/or deceptively similar to the Plaintiff’s well-known KARMA trade marks in respect of the business of providing the impugned services and or allied goods/services;
- (d) that the Defendants be ordered and directed to transfer the impugned domains names <http://www.karmaresort.in/> and <http://www.karmahospitality.in/> to the Plaintiff or in the alternative, the Defendants be directed to take necessary steps to deactivate the websites hosted on the impugned domain names and to apply to the registrar of the domain names for deactivating the impugned domain names;
- (e) that the Defendants be ordered and directed to apply for

withdrawal of the impugned trade mark application under No. 4566310 in Class 43;"

8. The Defendants shall take appropriate steps within four weeks in terms of the decree passed as per the prayer clauses (d) and (e) above.

9. In view of the suit being decreed and disposed of in above terms, the interim application also stands disposed of.

10. By consent the Leave Petition filed under clause 14 of the Letters Patent is granted.

11. The Court fees shall be refunded as per rules.

(MANISH PITALE, J.)