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

**INTERIM APPLICATION NO. 2377 OF 2021
WITH
COURT RECEIVER'S REPORT NO. 226 OF 2021
IN
COMMERCIAL IP SUIT NO. 290 OF 2021**

Unilever PLC. & Anr.

...Applicants/Plaintiffs

Versus

Organon Homoeo Laboratory Pvt. Ltd.

...Defendant

- Mr. Vinod Bhagat, Mr. Karan Khiani i/by G.S. Hegde & V.A. Bhagat, for Applicants/Plaintiffs.
- Mr. H.R. Patel, Master (Adm.) of Court Receiver, High Court, Bombay is present.

CORAM : MANISH PITALE, J

DATE : 20th FEBRUARY, 2023.

P. C. :

1. In this application, by order dated 03rd February, 2021, the Plaintiffs were granted *ex-parte* ad-interim reliefs. Subsequently by an order dated 13th January, 2022, the Leave Petition was granted for combining the cause of action of infringement with that of passing off.

2. By order dated 28th September, 2022, this Court granted additional ad-interim relief in terms of prayer clause (b) pertaining to the cause of action of passing off. It was subsequently directed that the ad-interim reliefs were to continue to operate until further orders.

3. The Defendant has been served. The service report is

already on record.

4. On various occasions, the Plaintiffs informed the Defendant about listing of the application, yet there was no appearance on behalf of the Defendant. Even today, when the application is called out for hearing and disposal, none appears on behalf of the Defendant.

5. This Court has perused the material on record with the assistance of the learned Counsel appearing for the Applicants/Plaintiffs.

6. This Court has already found in favour of the Plaintiffs in orders dated 03rd February, 2021 and 28th September, 2022, as regards a strong *prima facie* case made out for grant of ad-interim reliefs. This Court has again perused the material on record and it is found that an essential and central features of the registered trademark of the Plaintiffs i.e. "VASELINE" has been used prominently in the impugned mark of the Defendant. It is crucial that the impugned product is also petroleum jelly and therefore, a product identical to the one being sold by the Plaintiffs under their registered trademark "VASELINE".

7. In view of the above, this Court is convinced that unless the ad-interim reliefs are made absolute, the Plaintiffs will suffer

grave and irreparable loss, thereby indicating that the balance of convenience is also in favour of the Plaintiffs.

8. In view of the above, the ad-interim orders dated 03rd February, 2021 and 28th September, 2022, are made absolute. Consequently, the application is allowed and the interim reliefs are granted in terms of prayer clause (a) and (b).

9. The application stand disposed of.

10. In the light of the above, the Court Receiver's Report is disposed of and the Court Receiver is discharged, without passing up of accounts.

(MANISH PITALE, J.)