

Sharayu Khot.

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

COMMERCIAL IPR SUIT NO. 862 OF 2019
WITH
COMMERCIAL NOTICE OF MOTION 1573 OF 2019

Medtech Life Private Limited

...Plaintiff

Versus

Jayesh Sodha trading as U & J Surgicals

...Defendant

Mr. Dhiren Karania i/by Khaitan & Co. for the Plaintiff.

Ms. L.M. Jenkins i/by Law Practice for the Defendant.

CORAM : R.I. CHAGLA J

DATE : 25 August 2023

ORDER :

1. The Plaintiff and Defendant have arrived at a settlement in the above Suit. Consent Minutes of Order bearing today's date are tendered, taken on record and marked 'X' for identification. The Consent Minutes of Order have been signed by the advocates for the Plaintiff and the advocates for the Defendant. This order is passed in terms of Consent Minutes of Order marked X.

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2. The undertakings, if any, in the Consent Minutes of Order being accepted as undertakings to the Court.

3. The Defendant has submitted to a decree in terms of prayer clause (a) of the Plaint. The Suit is accordingly, disposed of and decreed in terms of prayer clause (a) of the Plaint.

4. The Defendant has agreed and undertaken not to file any Application for registration in respect of the impugned trade dress or any other trade dress which is identical with and/or similar to the Plaintiff's trade dress before any intellectual property offices.

5. The Defendant in Clause 3 of the Consent Minutes of Order has undertaken to this Court that the entire stock of 830 nebulizers seized by the Court Receiver in pursuance of the order dated 30th April 2019 shall be destroyed by the Defendant/his Representative in the presence of the representative of the Plaintiff and Defendant within a period of two weeks from the date of filing of the present Consent Minutes of Order. The cost of destruction will be borne by the Defendant.

6. Court Receiver is accordingly, discharged without drawing up accounts and on payment of costs, charges and expenses to be borne by the Plaintiff within a period of two weeks from the date of receiving the details of additional costs, charges or expenses to be paid.

7. In view of disposal of the Suit, Commercial Notice of Motion No. 1573 of 2019 does not survive and disposed of accordingly.

8. Drawn up decree/ order is dispensed with unless the parties seek drawn up decree/ order, in which case they are entitled to apply.

9. A soft copy of the Consent Minutes of Order will be uploaded as the second order in the matter.

10. The Registry is to ensure that the hard copy of the signed Consent Minutes of Order is permanently retained on file as part of the record and is not sent for destruction in the ordinary course.

11. 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.]