

COMMERCIAL IP SUIT NO. 55 OF 2023
WITH
INTERIM APPLICATION (L) NO. 40894 OF 2022
IN
COMMERCIAL IP SUIT NO. 55 OF 2023

Biostadt India Limited ... Plaintiff

Versus

Advance Pesticides & Ors. ... Defendants

Janhvi Chadha i/b Krishna and Saurastri Associates LLP for the Plaintiff.
Divya Alok Mall a/w Omkar Mhadir i/b Lakshyaved R. Odhekar for the
Defendants.

CORAM : R.I. CHAGLA, J.

DATED : 27th SEPTEMBER, 2023.

ORDER :

1 The Plaintiff and the Defendants have entered into the
Consent Terms in the above Suit. The Consent Terms dated 21.09.2023
are tendered and taken on record and marked 'X' for identification.

2 The Consent Terms have been signed by the Constituted
Attorney of the Plaintiff as well as Advocate for the Plaintiff and the
partners of Defendant No.1, Defendant No.2, Defendant No.3 and

Defendant No.4 as well as by the Advocate for the Defendants.

3 Appended to the Consent Terms at Annexure-A is the last invoice No.SAL/AHM/P/00372 with the impugned mark AMAZE 70 dated 04.07.2023. Further appended to the Consent Terms at Annexure-B is draft Deed of Assignment to be executed and signed by the Defendants wherein they have assigned the impugned mark “AMAZE 70 (label)” under Registration No.3770176 in Class 05 to the Plaintiff, in consideration of the Plaintiff waiving its claim for damages and costs in the Suit. Further appended at Annexure-C is the relevant authorization of the Plaintiff and Defendants authorizing the signatories on their behalf to execute the Consent Terms. The parties are not present in Court but the Advocates for the parties have identified the signatures.

4 I am satisfied that the Consent Terms are in order, not contrary to law and have been drawn by the parties of their own volition in reflection of their true intentions.

5 The undertakings, if any, in the Consent Terms being accepted as undertakings to the Court.

6 The Plaintiff and the Defendants have consented for prayer clause (a) of the Leave Petition (L) No.40892 of 2023 to be allowed. The

Leave Petition is already allowed by Order dated 02.05.2023.

7 The Defendants have agreed to submit to decree of admission in terms of prayer clauses (a) and (b) of the Plaint.

8 Accordingly, the above Suit is disposed of and decreed in terms of prayer clauses (a) and (b) of the Plaint.

9 Interim Application (L) No.40894 of 2022 does not survive and is accordingly disposed of.

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

11 A soft copy of the Consent Terms will be uploaded as the second order in the matter.

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

13 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.)

Digitally
signed by
WAISHALI
SUSHIL
WAGHMARE
Date:
2023.10.04
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