

ORDER SHEET

IN THE HIGH COURT AT CALCUTTA
SPECIAL JURISDICTION
ORIGINAL SIDE

[Commercial Division]

IA No.GA-COM/2/2024

In

IP-COM/14/2024

SHAMBHU NATH AND BROTHERS AND ORS
-VS-
PARAS NATH SHARRAF AND ANR

BEFORE:

The Hon'ble JUSTICE KRISHNA RAO

Date : September 10, 2024.

Appearance:

Mr. Debnath Ghosh, Adv.
Mr. Tinkari Jana, Adv.
Mr. Gopal Das, Adv.
Mr. Sourav Jana, Adv.
Mr. Biswaroop Mukherjee, Adv.
... for the plaintiffs

Mr. Subhasis Sengupta, Adv.
Mr. A. Hussain, Adv.
Mr. S. Mukhopadhyay, Adv.
Mrs. D. K. Gupta, Adv.
Mr. S. Sahu, Adv.
...for the defendants

The Court: Mr. Debnath Ghosh, learned counsel, is appearing
for the plaintiffs.

Mr. Subhasis Sengupta, learned counsel, is appearing for the
defendants.

During the pendency of the instant proceeding, the parties to the
suit have entered into a settlement and executed a Terms of Settlement
wherein the defendant no.1 has agreed that the plaintiffs are the prior

adopter and user of the mark “TOOFAN” and being the registered proprietor thereof and the plaintiffs have the exclusive right to use the said mark including its artistic representation thereof. The defendants have also undertaken that they will not use the impugned marks “TOOFAN/TOOFANE/SBN TOOFAN/ TUUTANE” or any other mark which is either identical with or phonetically structurally and visually similar to the plaintiffs’ registered trade mark “TOOFAN” and the artistic representation thereof.

The defendant no.1 also agreed that the defendants will destroy all bills, invoices, challans, cartoons carry bags, packaging materials advertising materials and all other printed materials containing the impugned mark “TOOFANE” and/or “TOOFAN” within two weeks from the date of this order.

Considered the terms of settlement entered into by and between the parties. It reveals that the plaintiffs and the defendant no.1 have executed the said Terms of Settlement and the signatures of the parties are duly identified by the learned advocate for the respective parties.

This Court does not find any impediment to accept the terms of settlement. Accordingly, Terms of Settlement entered into between the parties dated 9th September, 2024 is accepted.

In view of the Terms of Settlement IP-COM/14/2024 is disposed of.

As the suit is disposed of in terms of the Terms of Settlement, consequently, all the connected applications are also disposed of.

Decree be drawn up by making the Terms of Settlement as part of the decree.

(KRISHNA RAO, J.)

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