



Meena

IN THE HIGH COURT OF BOMBAY AT GOA
APPEAL FROM ORDER NO.18 OF 2023

INACIO C. FERNANDES

... APPELLANT

Versus

COLONIO SANTA MARIA HOTELS PVT.
LTD., THR. ITS MANAGER, SANJAY
KALANGUTKAR AND 3 ORS

... RESPONDENTS

Mr. A.D. Bhobe with Ms. S. Shaikh, Advocate for the Appellant.

CORAM:- BHARAT P. DESHPANDE, J.

DATED :- 3rd July, 2024

P.C.:

1. Heard Mr. A.D. Bhobe, learned Counsel for the Appellant.
2. The challenge in the present appeal is to the order dated 20/03/2021 whereby injunction is granted against the Appellant.
3. Mr. Bhobe submits that the suit is filed under the Trade Marks Act wherein permanent injunction, damages and consequential reliefs are claimed. In the said proceedings an application for a temporary injunction was filed which was allowed and accordingly challenged in the present proceedings.
4. It is informed that the temporary injunction was passed in 2021

and the matter proceeded further.

5. Appeal can be disposed of only by recording that the observations of the trial Court that the trade mark of the Plaintiff/Respondent was registered prior to the trade mark register in favour of the Petitioner/Defendant, would not come in the way while deciding the main matter on merit. Even otherwise, the findings recorded by the trial Court while deciding injunction application are on prima facie material. Such observations will not in any way influence the matter on merit. The learned trial Court will have to decide the matter on the basis of evidence of the parties during the trial. The observations of the trial Court while deciding the injunction application shall not in any way influence the trial Court while appreciating the evidence on merits.

6. With these observations, appeal stands disposed of.

BHARAT P. DESHPANDE, J.