

Kavita S.J.

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

COMMERCIAL IPR (L) SUIT NO.9145 OF 2024

Hindustan Unilever Limited ... Plaintiff

Versus

Vishnu Tea Company ... Defendant

WITH

INTERIM APPLICATION (L) NO.9273 OF 2024
IN
COMMERCIAL IPR (L) SUIT NO.9145 OF 2024

WITH

LEAVE PETITION (L) NO.9274 OF 2024
IN
COMMERCIAL IPR (L) SUIT NO.9145 OF 2024

WITH

COURT RECEIVER'S REPORT NO.248 OF 2024
IN
COMMERCIAL IPR (L) SUIT NO.9145 OF 2024

KAVITA
SUSHIL
JADHAV

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Date: 2024.07.19
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Mr. Anil Shete a/w Ms. Niyati Davawala, Ms. Simran Khan i/b Niyati Davawala for Plaintiff.

Bimal Rajasekhar for Defendant.

Ms. Charushila Vaidya, IInd Assistant to the Court Receiver present.

CORAM : R.I. CHAGLA, J.

DATED : 15TH JULY, 2024.

ORDER :

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

2. Leave Petition (L) No.9274 of 2024 under Clause XIV of the Letters Patent taken out by the Plaintiff is allowed.

3. The undertakings in the Consent Minutes of Order being accepted as undertakings to the Court.

4. The Defendant has submitted to a Decree in terms of prayer Clause (a), (b) and (c) of the Plaint.

5. The Suit is disposed of and decreed in terms of prayer Clause (a), (b) and (c) of the Plaint.

6. The parties to the Consent Minutes of Order have agreed in Clause 5 of the Consent Minutes of Order that the packets/labels seized by the Court Receiver shall be opened by the parties in the presence of their respective representatives and the tea preparations therein shall be returned to the Defendant and the wrappers/labels shall be forthwith destroyed.

7. In view thereof, the Court Receiver appointed by this Court is discharged without drawing up accounts and on payment of costs, charges and expenses to be borne by the Plaintiff.

8. The Court Receiver's Report No.248 of 2024 is disposed of.

9. The Interim Application (L) No.9273 of 2024 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 Minutes of Order will be uploaded as the second order in the matter.

12. 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.

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.]