

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
COMMERCIAL IP SUIT NO.277 OF 2024
WITH
INTERIM APPLICATION (L) NO.32399 OF 2024

Asian Paints Limited ... Plaintiff / Applicant
Vs.
Rahul Goda ... Defendant / Respondent

WITH
LEAVE PETITION (L) NO.32445 OF 2024
WITH
COURT RECEIVER REPORT NO.514 OF 2024

Mr. Vinod Bhagat a/w. Ms. Sonam Pradhan and Ms. Ishita Maheshwari i/b. Vinod A. Bhagat for Plaintiff / Applicant.

Ms. A. Khan (through VC) i/b. Adv. Sabah Khan for Defendant.

Ms. Charushila Vaidya, 2nd Assistant to Court Receiver.

CORAM : MANISH PITALE, J.
DATE : JANUARY 06, 2025

P.C. :

. The parties have settled their disputes and consent terms are tendered. The same are taken on record and marked 'X' for identification.

2. The consent terms are signed by the representative of the plaintiff and the defendant himself as well as their respective advocates. The consent terms are in accordance with law. The undertakings given in the consent terms are accepted as undertakings given to this Court. The defendant undertakes to destroy the impugned goods in terms of clause 5 of the consent terms. The plaintiff has already received Demand Draft of Rs.1,50,000/- as per clause 6 of the consent terms towards damages.

3. Accordingly, the suit stands decreed as per the consent terms. A soft copy of the consent terms shall be uploaded as the second order in

the matter. The hard copy, duly signed by the parties, shall be retained in the record and shall not be sent for destruction in the usual course.

4. The Court fees shall be refunded as per the Rules. For the purposes of Section 43 of the Maharashtra Court Fees Act and the proviso thereto, today's date shall be the date of making a claim for repayment. The Prothonotary and Senior Master shall proceed to issue a certificate for refund of Court fees on the basis of an authenticated copy of this order without insisting upon a separate application.

5. Mr. Bhagat, learned counsel appearing for the plaintiff submits that this Court may consider allowing the leave petition, which would lead to appropriate relief being granted as regards the action of passing off to which the defendant has consented. Accordingly, the leave petition is allowed.

6. The Receiver stands discharged without passing up of accounts and upon payment of costs, charges and expenses, if any, to be borne by the plaintiff. The report of the Receiver is accordingly disposed of.

7. In view of the Suit being decreed, the interim application is disposed.

(MANISH PITALE, J.)

Minal Parab