

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
IN ITS COMMERCIAL DIVISION
COMMERCIAL IP SUIT NO.321 OF 2024

Hindustan Unilever Limited ... Applicant / Plaintiff
Vs.
Kalpataru Food Products ... Respondent / Defendant

WITH
LEAVE PETITION (L) NO.3280 OF 2024
WITH
COURT RECEIVER REPORT NO.151 OF 2024
IN
COMMERCIAL IP SUIT NO.321 OF 2024

Ms. Prachi Shah a/w. Ms. Sonam Pradhan i/b. Mr. V. A. Bhagat for Applicant / Plaintiff.
Mr. Akshay Kumar Chudiwal, Proprietor of Defendant.
Ms. Charushila Vaidya, 2nd Assistant to Court Receiver.

CORAM : MANISH PITALE, J.
DATE : JANUARY 31, 2025

P.C. :

. Ms. Shah, learned counsel for the plaintiff informs this Court that the dispute with the defendant is settled and that, consent terms have been executed. The consent terms have been signed by the constituted attorney of the plaintiff, the advocate for the plaintiff as also the proprietor of the defendant. Photocopy of the Aadhar Card of the defendant is also annexed. Original Aadhar Card is presented for perusal of this Court. The same is returned to the defendant.

2. The constituted attorney of the plaintiff has joined the proceedings through video conferencing and the proprietor of the defendant is present in person.

3. The consent terms are taken on record and marked 'X'.
4. The consent terms appear to be in order. The undertakings stated in the consent terms shall be treated as undertakings to this Court.
5. The suit stands decreed as per the consent terms. As per clause (d) of the consent terms, the defendant undertakes to destroy all the infringing and impugned goods within two weeks from the execution of the present consent terms.
6. A soft copy of the consent minutes of the order shall be uploaded as the second order in the matter. The hard copy, duly signed by the advocates appearing for the respective parties, shall be retained in the record and shall not be sent for destruction in the ordinary course.
7. 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.
8. 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.
9. Considering the statements made in the leave petition, now that the defendant has been served, in the interest of justice, leave petition deserves to be granted. Accordingly, Leave Petition is allowed.
10. In the light of the suit being decreed, the pending applications are also disposed of.

(MANISH PITALE, J.)