



Sharayu Khot.

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

COMMERCIAL IPR SUIT NO. 317 OF 2023

WITH

INTERIM APPLICATION (L) NO. 21830 OF 2023

WITH

INTERIM APPLICATION (L) NO. 26368 OF 2023

WITH

LEAVE PETITION (L) NO. 21911 OF 2023

WITH

COURT RECEIVER'S REPORT NO. 334 OF 2023

Hindustan Unilever Limited

...Plaintiff

Versus

Vermillion Cosmetics Private Limited

...Defendant

Mr. Hiren Kamod a/w Ms. Niyati Davawala, Mr. Anil Shete i/by Niyati Davawala for the Plaintiff.

Prasad Nagargoje i/by Mr. Devashish G. Godbole for the Defendant.

Ms. Charushila M. Vaidya, 2nd Asstt. Court Receiver present.

CORAM : R.I. CHAGLA J

DATE : 3 September 2024

SHARAYU
PANDURANG
KHOT

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signed by
SHARAYU
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ORDER :

1. The Plaintiff and the Defendant have arrived at a

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.

2. This order is passed in terms of the Consent Minutes of Order marked X.

3. Leave Petition (L) No. 21911 of 2023 under Clause XIV of the Letters Patent is allowed and is accordingly, disposed of.

4. The undertakings, if any, in the Consent Minutes of Order being accepted as undertakings to the Court.

5. The Defendant has submitted to a decree in terms of prayer clauses (a), (b) and (c) of the Plaint.

6. Accordingly, the Suit is disposed of and decreed in terms of prayer clauses (a), (b) and (c) of the Plaint.

7. In Clause 4 of the Consent Minutes of Order, parties have

agreed that the packets/wrappers/labels/boxes seized by the Court Receiver shall be opened by the parties in the presence of their respective representatives and the cosmetic preparations therein shall be returned to the Defendant and the packets/wrappers/labels/boxes containing the impugned mark, shall be destroyed within a period of four weeks, at the cost of the Defendant in the presence of their respective representatives. The parties further agreed that the MILAP Pro Conceal Tube, having the impugned mark, shall be covered using a carbon paint, which shall destroy the impugned mark, but retain the packaging to the satisfaction of the Plaintiff's representatives.

8. In view thereof, 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.

9. Court Receiver's Report No. 334 of 2023 stands disposed of.

10. All pending Interim Applications do not survive and are accordingly disposed of.

11. Drawn up decree/ order is dispensed with unless the parties seek drawn up decree/ order, in which case they are entitled to apply.

12. A soft copy of the Consent Minutes of Order will be uploaded as the second order in the matter.

13. 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.

14. 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.]