

In the Court of Ld. District Judge, South 24-Parganas

Title Suit No.07 of 2024

Present : Sri Dinanath Prasad (WB00639) District Judge-in-charge,
South 24-Parganas at Alipore

Emami Agrotech Limited Plaintiff

Vs.

Sultania Trading Company Defendant

Order No. 02, dated 02.08.2024

Record is put up today on the prayer of a put up petition.

This is a suit for infringement of Trade Mark and passing of copy right. This court has jurisdiction to entertain u/s 134 of Trade Mark Act.

On the strength of injunction application herein has prayed for passing an order of injunction restraining the O.P. from infringing or using, vending or selling or otherwise dealing their refined/palmolien oil or other product alike to the products of the petitioner under the well known trade name "Best Choice" or using any other trade mark or name deceptively similar and/or confusing similar name which includes the word or any of the words of "Best Choice" or by the word "Best Palm" or any words so nearly resembling the same so as to be calculated to deceive or to induce the people that the business and products of the O.P. originate from the petitioner till disposal of the instant suit.

I have heard the submission of the Ld. Advocate for the plaintiff/petitioner.

I have perused the application which has been supported by an affidavit and the documents annexed herein.

After hearing ld.lawyer for the plaintiff and on perusal of the documents on record, prima facie it appears that the product name of the plaintiff is "Best Choice" and the product of the defendant appears to be

“Best Palm”, palmolien oil and the “Best Choice” is the trade mark of the plaintiff company. At a glance, on comparison with both the trade marks , prima facie it appears that it is a deceptive adoption of the plaintiff’s brand name which ordinary laymen can confuse and may cause or inducement of the people in the original business product of the plaintiff. Prima facie the case is made out in favour of the plaintiff and accordingly, the prayer for temporary injunction is allowed.

Hence, it is,

ORDERED

that the prayer for an order of ad-interim injunction is allowed in favour of the appellants till **18.09.2024**.

The defendant/O.P. is hereby restrained by an order of injunction from infringing or using, vending or selling or otherwise dealing their refined/palmolien oil or other product alike to the products of the petitioner under the well known trade name “Best Choice” or using any other trade mark or name deceptively similar and/or confusing similar name which includes the word or any of the words of “Best Choice” or by the word “Best Palm” or any words so nearly resembling the same so as to be calculated to deceive or to induce the people that the business and products of the O.P. originate from the petitioner till date i.e. **18.09.2024**.

Fix **18.09.2024** for S/R and A/D.

Dictated & corrected by me,
Sd/- Dinanath Prasad
District Judge I/c

Sd/- Dinanath Prasad
District Judge I/c
(WB00639)