

SHEPHALI

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
SUIT NO. 732 OF 2014

Naresh Dayalal Barot ...Plaintiff
Versus
Bharat Marketing & Co. & Anr. ...Defendants

Mr. B. N. Poojari, *for the Plaintiff.*

CORAM: G.S. PATEL, J
DATED: 19th October 2016

PC:-

1. Heard Mr. Poojari for the Plaintiff. Issues are framed and these are appended to this order.
2. The Plaintiff shall, on or before 2nd December 2016, file (i) the evidence affidavit of the Plaintiff; (ii) an affidavit of documents; and (iii) a compilation of documents duly indexed and paginated. Copies of each of these will be served on the advocates for the Defendants on or before that date.
3. Suit to be listed for directions on 9th December 2016. If these directions have not been complied with by then, the suit will be dismissed on that date. On compliance with these directions as to filing, the matter will be taken up for marking of the Plaintiff's

documents and further directions on that day, the fact that it may be listed for directions on that date notwithstanding.

(G. S. PATEL, J.)

ISSUES FRAMED ON 19TH OCTOBER 2016

SUIT NO. 732 OF 2014

1. Whether the Plaintiff proves proprietorship to the trademark "Veer Chaap" by prior continuous and extensive in respect of Chewing Tobacco and similar goods?
2. Whether the Plaintiff proves reputation and goodwill in respect of the trademark "Veer Chaap" by virtue of extensive and continuous use in respect of the Chewing Tobacco?
3. Whether the impugned trademark "Desh Veer Chaap" word and device adopted and used by the Defendants is identical with and/or deceptively similar to the Plaintiffs' trademark "Veer Chaap" word and device?
4. Whether the goods in respect of which the Plaintiff's trademark "Veer Chaap" is in use and the goods in respect of which the Defendants use impugned trademark "Desh Veer Chaap" are same or similar"?
5. Whether use of the impugned trademark "Desh Veer Chaap" word and device by the Defendants in respect of the same or similar goods is likely to deceive and cause damage to the Plaintiff's reputation, goodwill and business?
6. Whether use of the impugned trademark by the Defendants is resulting in passing off their

goods.

7. Whether the Plaintiff is entitled for accounts of profits?
8. What relief and what order?

(G. S. PATEL, J.)