

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
IN ITS COMMERCIAL DIVISION
INTERIM APPLICATION (L) NO.36491 OF 2024
WITH
INTERIM APPLICATION (L) NO.36460 OF 2024
IN
COMMERCIAL IP SUIT (L) NO.36404 OF 2024

Sapat International Pvt. Ltd. ... Applicant / Plaintiff

Vs.

Niravi Consumer LLP and others ... Respondents / Defendants

Mr. Hiren Kamod a/w. Mr. Prabhakar M. Jadhav for Applicant / Plaintiff.

Mr. Alankar Kirepekar a/w. Mr. Shekhar Bhagat, Mr. Chinmay Pagedar, Mr. Ayush Tiwari and Mr. Rajas Panandikar i/b. Shekhar Bhagat and Neelaja Kirpekar for Defendants.

CORAM : MANISH PITALE, J.

DATE : JANUARY 28, 2025

P.C. :

. In the reply affidavit filed on behalf of the defendants, in paragraphs 10, 56, 57 and 58, the defendants have stated, without prejudice to their rights and contentions, that they are not using the mark 'Sapat' for manufacturing or marketing tea or any product falling in Class 30, although their specific case is that, defendant No.2 is entitled to use the mark 'Sapat' for tea also.

2. Apart from this, on instructions, the learned counsel for the defendants makes a statement, without prejudice to the rights and contentions of the parties, that wherever the defendants are selling tea in packaged form, they shall not use the mark 'Sapat' on the packaging / trade-dress and they shall also not use the aforesaid mark 'Sapat', while advertising their product of packaged tea. This statement shall continue

to operate during the pendency of this application.

3. It is further made clear that all rights and contentions of the parties are kept open.

4. Since the pleadings are complete in the present application, list the same for hearing on 17.03.2025 at 3:30 p.m.

(MANISH PITALE, J.)

Minal Parab