

OCD-3

ORDER SHEET

CS 154 of 2023
IA No.GA 1 of 2023
IN THE HIGH COURT AT CALCUTTA
ORDINARY ORIGINAL CIVIL JURISDICTION
ORIGINAL SIDE
(COMMERCIAL DIVISION)

PANGHAT SAREES PRIVATE LIMITED
VS.
ANUP AGARWAL & ORS.

BEFORE:
The Hon'ble JUSTICE ARINDAM MUKHERJEE
Date: 2nd August, 2023.

Mr. Debnath Ghosh, Mr. Gautam Kr. Ray, Mr. Tin Kari Jana, Mr.
Gopal Das, Mr. Sourav Jana, Advocates for plaintiff.

The Court : The proposed suit is inter alia for infringement of trade mark of the plaintiff and passing off. The plaintiff in paragraph 15 of the plaint has alleged that the plaintiff has come across the infringement of its mark and the passing off action by the defendants in the month of May, 2023. The plaintiff has given a cease and desist notice on 6th May, 2023 which was duly received by the defendant on 12th May, 2023. The plaintiff alleges that despite receipt of such cease and desist notice, the defendants continue to infringe the plaintiff's mark as also are passing off their goods and services as that of the plaintiff. The plaint has been filed in the computer section of this Court on 31st July, 2023 i.e. within a reasonable time from the right to sue first accrued in favour of the plaintiff as per its

averments in the plaint.

The plaint is presented and admitted subject to scrutiny by the department by dispensing with the formalities under Section 12A of the Commercial Courts Act, 2015 and granting leave under Clause 12 of the Letters Patent, 1865 and leave under Order II Rule 2 of the Code of Civil Procedure, 1908.

(ARINDAM MUKHERJEE, J.)

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