

SLP(C)No. 6259-6260 OF 2005
ITEM No.49

Court No. 3

SECTION IX

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (Civil) No.6259-6260/2005

(From the judgment and order dated 7.3.2005 in Appeal from Order No.109 of 2005 and in Final order dated 9.3.2005 in Civil Application No.1829 of 2005 in Appeal from Order No.109 of 2005 in the High Court of Gujarat at Ahmedabad)

BABUL PRODUCTS PVT. LTD.

Petitioner (s)

VERSUS

MUKESH MANGABHAI MAJITHIA

Respondent (s)

(With Appln(s). for PERMISSION TO FILE ADDL. DOCUMENTS)
(With prayer for interim relief)

Date : 18/03/2005 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE S.N. VARIAVA
HON'BLE MR. JUSTICE P.P. NAOLEKAR

For Petitioner (s)Mr. G.L. Sanghi, Sr. Adv.
Mr. Mukul Rohtagi, Sr. Adv.
Mr. Arun Jaitley, Sr. Adv.
Mr. Praveen Anand, Adv.
Mr. Azad Virk, Adv.
Mr. Shah, Adv.

Mr. Hari Shankar K.,Adv.

For Respondent (s)Mr. H.N. Salve, Sr. Adv.
Mr. Rakesh Dwivedi, Sr. Adv.
Mr. Unmesh Shukla, Adv.
Mr. Mahesh Agrawal, Adv.
Mr. Rishi Agrawala, Adv.
Mr. E.C. Agrawala,Adv.
Mr. Y.K. Trivedi, Adv.

UPON hearing counsel the Court made the following
O R D E R

Leave granted.

The Appeals stand disposed of in terms of the signed order. There will be no order as to costs.

(K.K. Chawla)
Court Master

(Jasbir Singh)
Court Master

[Signed order is placed on the file]

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NOS.1835-1836 OF 2005

[ARISING OUT OF SLP (CIVIL) NOS.6259-6260 of 2005]

BABUL PRODUCTS PVT. LTD.

Appellant (s)

VERSUS

MUKESH MANGABHAI MAJITHIA

Respondent (s)

O R D E R

Leave granted.

Heard parties.

We direct the Trial Court to dispose of Application Exhibit 5 in Civil Suit No.6 of 2005 on a priority basis by giving day to day hearing starting immediately. Both sides state that they shall not ask for adjournment on any ground.

Till disposal of the application, keeping Section 53 of the Indian Partnership Act, 1932 in mind, neither side shall use the trademark BABUL or any deceptively similar mark. The Appeals stand disposed of accordingly. There will be no order as to costs.

.....J.
(S.N. Variava)

.....J.
(P.P. Naolekar)
New Delhi;
March 18, 2005.