

OCD-4

ORDER SHEET

IN THE HIGH COURT AT CALCUTTA
Ordinary Original Civil Jurisdiction
ORIGINAL SIDE

[Commercial Division]

CS-COM/474/2024
[Old No. CS/41/2023]
IA No. GA/1/2023

DABUR INDIA LIMITED
-VS-
DHRUV RATHEE AND ORS.

BEFORE:

The Hon'ble JUSTICE KRISHNA RAO

Date : June 18, 2024.

Appearance:

Mr. Debnath Ghosh, Adv.
Mr. Biswaroop Mukherjee, Adv.
Mr. Abir Debnath, Adv.
Mr. Pradipta Bose, Adv.
...for the plaintiff

Mr. Ranjan Bachawat, Sr. Adv.
Mr. Satyaki Mukherjee, Adv.
Mr. Nakul Gandhi, Adv.
Mr. Yash Vardhan Deora, Adv.
Mr. Eshna Kumar, Adv.
Mr. Mujeeb Rahman, Adv.
...for the defendant no.1

Mr. Neel Mason, Adv.
Mr. Phiroze Edulji, Adv.
Mr. Ankit Rastogi, Adv.
Ms. Roustavi Mukherjee, Adv.
Ms. Priyanka Bhattacharya, Adv.
...for the defendant nos. 2 and 3

Ms. Ameer Rana, Adv.
...for the defendant no.4

The Court: Counsel for the respective parties are present.

By an order dated 29th February, 2024 this Court has requested the parties to consider for resolving the disputes in the suit by blurring out and/or removing fruit juice packets alleged to be that of the identical and/or deceptively similar to that used by the plaintiff.

The defendant no.1 without prejudice to his rights and contentions, including, inter alia, his right to freedom of speech and expression and to make fair comment, proposed to blur and/or use generic fruit juice packaging by an e-mail dated 15th of March, 2024. Such proposal was accepted in principle by the plaintiff by its e-mail dated 19th March, 2024. In furtherance of the above, the defendant no.1 through its advocate's e-mail dated 12th June, 2024 forwarded a video containing the generic fruit juice packaging proposed to be used in the video in place of packaging alleged to be identical and/or deceptively similar to that of the plaintiff.

The plaintiff is agreed that such change be made at all places in the impugned video so as to remove any reference or use of 'REAL' trademarks, copyright, content, labels, packaging, advertisements as stated in paragraph 4 of the plaint. The same is recorded in the plaintiff's advocate's e-mail dated 17th June, 2024.

Since the defendant no.1 is agreed to make that change at all places in the impugned video so as to remove any reference or use 'REAL' trademarks, copyright content, labels, packaging, advertisements as stated in paragraph 4 of the plaint, the plaintiff has no objections to the video being uploaded, published and/or broadcast with the aforesaid modifications.

The defendant no.1 further agreed that the defendant no.1 shall delete the advertisement made in paragraph 4 which is the advertisements of the plaintiff appearing in the said paragraph.

In view of the above, the parties are agreed that no useful purpose would be served by keeping the suit and the applications therein pending

and the suit itself may be disposed of in terms of the above settlement agreed between the plaintiff and the defendant no.1.

In view of the above CS-COM/474/2024 [Old No. CS/41/2023] along with connected applications are disposed of.

The decree be drawn accordingly.

As the suit including all the applications have been disposed of in terms of the settlement agreed between the plaintiff and the defendant no.1 as mentioned above, all issues including the question of infringement and/or disparagement and defences of fair criticism and freedom of speech are not gone into by this Court.

(KRISHNA RAO, J.)