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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

NOTICE OF MOTION (LODGING) NO.1562 OF 2014
IN
APPEAL (LODGING) NO.411 OF 2014

WITH
APPEAL (LODGING) NO.411 OF 2014
IN
NOTICE OF MOTION (LODGING) NO.1503 OF 2014
IN
SUIT (LODGING) NO.629 OF 2014

Techlegal Solutions Pvt. Ltd. ...Appellant
V/s.
Mrs.Genelia R. Deshmukh & Ors. ...Respondents

Ms.Sonal with Ms.Nivedita Kundaji i/b Dewani Associates for the Appellant.

Ms.Padmaja Dholakia i/b Dholakia Law Associates for Respondent Nos.1 to 5.

Mr.Kunal Parekh i/b Thakore Jariwalla & Associates for Respondent Nos.3 and 8.

Mr.Venkatesh Dhond, Senior Counsel with Mr.Chirag Modi, Mr.Ashok Purohit and Ms.Shalaka Modi i/b Purohit & Co. for Respondent Nos.4 to 7.

**CORAM : S.J. VAZIFDAR &
A.K. MENON, JJ.**
DATE : 10TH JULY, 2014.

P.C. :-

Mentioned, not on board.

2. The learned Judge in a detailed and if we may, with respect add, well considered judgment rejected the application for *ad-interim* reliefs. The appellant seeks to restrain the respondents from releasing a Marathi Film under the title "Lai Bhaari". The appellant claims to be the registered proprietor of the mark "laibhaari.com". The appellant has used the mark as a domain name and in no other manner. The theme song of the same website uses the words "Lai Bhaari". *Prima-facie* at least the material does not indicate that it is a well known mark sufficient to maintain an action successfully for passing off or for infringement. The respondents have used the same words as a title to their film. It is pertinent to note that the appellant's application for registration of the words "Lai Bhaari" is pending registration. The Registrar himself has raised an objection to the same. The respondents also do not intend using the words as a website mark.

3. The learned Judge has discussed in detail that the words constitute an extremely popular Marathi expression and have been used in various forms, including in songs, as names of the restaurants and even as a figure of speech.

4. The impugned order warrants no interference.

5. Hence no *ad-interim* order.

Mr.Dhond, the learned senior counsel appearing on behalf

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of respondent Nos.4 to 7 states that respondent Nos.4 to 7 will not oppose the filing of any further affidavits by the appellant.

(A.K. MENON, J.)

(S.J. VAZIFDAR, J.)

Bombay High Court