

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
IN ITS COMMERCIAL DIVISION
NOTICE OF MOTION (L) NO. 188 OF 2018
IN
COMIP (L) NO. 108 OF 2018

Amar Chitra Katha Pvt. Ltd. ... Plaintiffs

Versus

S.K. Lawrence and Ors. ... Defendants

Dr. Birendra Saraf a/w. Mr. Rashmin Khandekar, Mr. Avesh Kayser, Mr. Bhuvan Singh, Mr. Tanjuja Liman for the Plaintiffs.

Mr. Sriram Parabhat i/b. Mr. Abhineet Pange for the Defendants.

Mr. S.K. Lawrence - Defendant No. 1, present in person.

CORAM : S.J. KATHAWALLA, J.
DATED : 6TH FEBRUARY, 2018

P.C.:

1. The learned Advocate appearing for the Defendants on instructions states that the Advocate on Record for the Defendants has filed his Vakalatnama on behalf of Defendant Nos. 1 and 2 and undertakes that the Advocate on Record shall file his Vakalatnama on behalf of Defendant Nos. 3, 4 and 5 on or before 16th February, 2018.

The undertaking is accepted.

2. Heard the learned Advocates appearing for the parties and the following Order is passed by consent :

i. Defendant No. 1 undertakes to pay the sum of Rs.10 Lacs to the Plaintiffs

before 05.00 p.m. on 7th February, 2018 towards one time use of the name / mark 'SHIKKARI SHAMBU' for the film 'SHIKARI SHAMBU' released by the Defendants on 20th January, 2018 in Malayalam language only. The said amount of Rs.10 lacs shall be deposited by Defendant No. 1 through RTGS in the following bank account of Plaintiff :

- a. Name of the account holder : Amar Chitra Katha Pvt. Ltd.
- b. Bank name : Yes Bank
- c. Account No. : 000181400008461,
- d. IFSC Code : YESB000001

ii. The Defendants agree and confirm that save and except as set out in Clause (i), the Defendants do not claim any right whatsoever in the name / mark / character 'SHIKKARI SHAMBU' and all other rights in that regard vest in the Plaintiff alone.

iii. The Defendants confirm that they have not created any third party rights in the name / mark / character 'SHIKARI SHAMBU' / 'SHIKKARI SHAMBU'. The same is accepted as an undertaking given to the Court.

iv. The above Suit as well as Notice of Motion are disposed off.

v. Refund of Court fees, if any, as per Rules.

(S.J.KATHAWALLA, J.)