

**M/S.Muchem Vs. M/S.Muchem Makeup**

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**SooperKanoon Citation :** [sooperkanoon.com/1060570](http://sooperkanoon.com/1060570)

**Court :** Kolkata

**Decided On :** Apr-04-2013

**Judge :** Banerjee

**Appellant :** M/S.Muchem

**Respondent :** M/S.Muchem Makeup

**Judgement :**

ORDER

SHEET APO NO.293 OF 201.GA NO.2037 OF 201.CS NO.81 OF 201.IN THE HIGH COURT AT CALCUTTA Civil Appellate Jurisdiction ORIGINAL SIDE M/S.MUCHEM Versus M/S.MUCHEM MAKE-UP BEFORE: The Hon'ble JUSTICE ASHIM KUMAR BANERJEE The Hon'ble JUSTICE DR.MRINAL KANTI CHAUDHURI Date :

4. h April, 2013.

Mr.Gautam Chakraborty, Sr.Adv., Mr.P.K.Ghosh, Sr.Adv., Mr.Sayantana Bose, Adv., Mr.Promod Bagaria, Adv., for the appellant.

Mr.Pratap Chatterjee, Sr.Adv., Mr.Abhrajit Mitra, Adv., Mr.Jishnu Chowdhury, Adv., Mr.Priyanka Saha, Adv., for the respondents.

The Court : The brothers are fighting for the mark of their respective products.

Protracted litigations have not drawn a close before us.

We must express our gratitude to the learned Counsel appearing for the parties for assisting us to arrive at this happy solution.

The brotherS.namely, HIRAK Mukherjee, Ashok Mukherjee and Dipak Mukherjee are present in Court.

They would also represent their wives interest.

The parties agree, the appellant would use the mark that is registered in the name of the appellant.

The respondents would use the existing mark being used by them by removing - in between the words mi-fi.They would also remove the star (\*) mark appearing on the cover and the word TM.The appellant would also assist the respondents in getting the modified mark registered in their name.

The parties through their respective partners would file a joint affidavit recording the settlement that has arrived at in this Court.

Such joint affidavit must be filed within a fortnight from date.

Mr.Chakraborty, learned senior Counsel appearing for the appellant, would apprehend some difficulty in filing a joint affidavit.

In such event, the parties may file separate affidavits.

However, a common format is to be prepared jointly by the Advocates-on-Record appearing for the appellant and the respondents.

The affidavit must annex a copy of the order to be a part of the same.

The order of the learned single Judge stands modified.

The appeal is disposed of without any order as to costs.

The boxes filed in Court today be kept on record.

(ASHIM KUMAR BANERJEE, J.) sd/ AR[CR].(DR.MRINAL KANTI CHAUDHURI,  
J.)

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