

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
INTERIM APPLICATION (L) NO.20382 OF 2026
IN
COMMERCIAL IP SUIT (L) NO.20200 OF 2026
WITH
LEAVE PETITION NO.211 OF 2026

Bagzone Lifestyles Pvt Ltd.	...Applicant
<u>In the matter between</u>	
Bagzone Lifestyles Pvt. Ltd.	...Plaintiff
<u>Versus</u>	
Shweta Agrawal	...Respondents/Defendants

Mr. Jacob Kadantot, for the Applicant/Plaintiff.
None for the Defendant.

CORAM: MADHAV J. JAMDAR, J.
DATED : 07th JULY 2026

PC:-

1. Heard Mr. Kadantot, learned Counsel appearing for the Applicant/Plaintiff. At the outset, he, states that pursuant to order dated 03rd July 2026, the Defendant has been served. He further states that Affidavit of service is already filed.
2. In spite of service, none appears for the Defendant. On earlier date also, as none had appeared for the Defendant in spite of

service, this Court has passed following order dated 03rd July 2026 :

“1) Learned counsel appearing for the Applicant/Plaintiff tenders an affidavit of service which shows that the Defendant has been served on 1st July, 2026. The Defendant’s address is at Agra, Uttan Pradesh. Although, the Defendant has been served, none appears for the Defendant.

2) To give one more opportunity to the Defendant, the matter is adjourned to 7th July, 2026 at 3:00 p.m.

3) It is made very clear that if inspite of this additional opportunity, the Defendant fail to appear, then this Court will proceed with the hearing of the Leave Petition as also the Interim Application, on the assumption that the contents of the same have remained uncontroverted.”

3. Thus, inspite of service on the Defendant and having additional opportunity being granted to the Defendant, the Defendant has failed to appear.

4. As none has appeared for the Defendant, nor the Affidavit-in-Reply has been filed in Leave Petition as also in Interim Application, the contents of the same have remained uncontroverted.

LEAVE PETITION NO.211 OF 2026

5. Perused the Complaint and Leave Petition. For the reasons set out in the Leave Petition the same is allowed in terms of the Prayer Clause (a).

6. Accordingly, the Leave Petition is disposed of.

INTERIM APPLICATION (L) NO.20382 OF 2026

7. Mr. Kadantot, learned Counsel appearing for the Applicant/Plaintiff states that as the Defendant has been served and as the leave has been granted under Clause XIV of the Letters Patent of the Bombay High Court, he is seeking reliefs in terms of Prayer Clause (a) to (e) of the Interim Application.

8. Perusal of the Complaint as also various exhibits annexed to the Complaint shows the following:

i. The Plaintiff is an established and reputed company in the business of manufacturing, marketing and retailing of luxury goods, beauty product, perfumes and colognes as also articles and imitation of non-leather including fashion handbags, bags, belts, backpacks, wallets and travel accessories of all sorts, since last about 20 years.

ii. The Plaintiff was incorporated in the year 2008 and operates a wide range of business activities under several well-known trade marks. The Plaintiff conceived, coined and adopted the trade mark “LAVIE” in the year 2009 and has been using the same continuously since at least July 2010 in relation to various luxury goods.

iii. In or around 28th August 2009, the Plaintiff applied for and secured registration of the trade mark “LAVIE” (word) under the provisions of the Trade Marks Act, 1999 under registration No.1856023 in Class 18 in relation to soft luggage, hard luggage, shoulder bags, suit cases, school bags, brief case, vanity case, toilet case, organiser cases, phone bags, belt bags, satchels, duffel bags, computer cases, attache cases, garment bags, backpacks, all-purpose sport bags; athletic bags; carrying bags, baby carrying bags, business card cases, credit card cases, calling card cases, carrying card cases for documents, card wallets, name card cases, catalog cases, tie cases, jewellery organisers, cosmetic carrying cases (bags), fold-away bags, hand bags, carry all's, shoe bag, key cases, leather straps, leather wallets and pouches, belts, leather

accessories and other travel related accessories on a proposed to be used basis. The said trade mark is valid and subsisting.

iv. The Plaintiff has over the years, been creating, devising and developing various marks/ formative marks to expand its business and foray into luxury goods in different categories/classes, with the trade mark "LAVIE" as a prominent and essential feature. Three such trade marks among the "LAVIE" formative trade marks created and devised by the Plaintiff, are the trade marks "LAVIE LUXE" (word and device), "LAVIE SPORT" (word and device) and "LAVIE SIGNATURE" (word and device) to be used in relation to perfumes and designer inspired fragrances, manufactured and retailed by the Plaintiff.

v. In or around 8th August 2023, the Plaintiff applied for and secured registration of the trade mark  (label) under registration No.6056982 in Class 3 in relation to cosmetics; soaps, shampoos, conditioners, perfumery, essential oils; fragrances, gels, creams, lotions, hair oils, talcum powder & beauty creams, hair lotions, body wash, face wash, shaving creams, Non-medicated cosmetics and toiletry preparations; Non-medicated dentifrices; bleaching preparations and other substances for laundry use;

cleaning, polishing, scouring and abrasive preparations on a proposed to be used basis. The said trade mark is valid and subsisting.

vi. In or around 29th August 2023, the Plaintiff applied for and secured registration of the trade mark “LAVIE LUXE” (word) under registration No.6088369 in Class 3 in relation to cosmetics, etc.

vii. In or around 29th August 2023, the Plaintiff applied for and secured registration of the trade mark “LAVIE SPORT” (word) under registration No.6088370 in Class 3 in relation to cosmetics, etc.

viii. The Plaintiff is a proprietor of the following registered trade marks/ formative marks in different classes, incorporating among other things the trade mark/word “LAVIE” as the dominant feature :

Sr. No.	Trade Mark	Application No./Date	Status	Class/Goods
i.	LAVIE (word)	3477520/ 8 th February 2017	Registered	9/ Ophthalmic lenses, sunglasses, shooting glasses, eyeglasses, spectacles, goggles,

				lenses & frames for sunglasses, shooting glasses, eyeglasses, spectacles and goggles and cases and protective covers for sunglasses, shooting glasses, eyeglasses, spectacles and goggles, parts and accessories for spectacles, chains for eyeglasses; lenses for sunglasses, lenses for spectacles and lenses for aesthetic spectacles, earstems.
ii.	LAVIE (word)	2319266/ April 2012	20 th Registered	14/ Cuff links; watches, clocks, time pieces, table clocks, wall clocks, kinds of horological instruments; diamonds,

				gold, platinum and silver jewellery, precious jewellery in the form of diamonds studded on gold, silver and platinum; precious and semi-precious stones studded on jewellery; colour stone studded jewellery, jewellery and imitation jewellery, electroformed jewellery
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ix. On or about the first week of November, 2025, the Plaintiff came to learn that the Defendant is openly and brazenly using, marketing and selling goods, perfumes and colognes online on the Defendant's website <https://www.lavieluxury.in> and also on various e-commerce sites and through social media accounts on Meta <https://www.facebook.com/profile.phpid=61577129489529> bearing the trademark “LAVIE LUXURY” which mark is identical

and/ or deceptively similar to the registered trade marks “LAVIE” (word), “LAVIE LUXE” (word), *Lavie Luxe* (label) and “LAVIE SPORT” (word) of the Plaintiff.

x. The details of Plaintiff’s sales figure and promotional figure are set out in Exhibit-K. The learned Counsel of the Plaintiff has given the same in a separate chart, as follows. The said chart is reproduced herein below :-

Financial Year (F.Y.)	Amount in INR
2009-10	49,22,719
2010-11	2,73,40,005
2011-12	10,17,21,478
2012-13	20,51,55,811
2013-14	35,82,02,203
2014-15	52,59,34,647
2005-16	66,92,77,972
2016-17	79,74,25,479
2017-18	1,05,50,77,735
2018-19	1,28,08,39,957
2019-20	1,27,09,54,020
2020-21	52,88,60,688
2021-22	1,46,22,90,532
2022-23	2,30,24,40,776
2023-24	2,31,74,45,327
2024-25	2,56,81,25,169
2025-26*	2,87,52,99,197
* Figures of F.Y. 2025-26 pertains to unaudited financial statements.	

9. This is the case where although the notice has been given to the Defendant, neither the Defendant has appeared nor any reply has been filed to the Interim Application.

10. Bare perusal of the trade mark “LAVIE LUXURY” which is being used by the Defendant, shows that it is identical and or deceptively similar to the registered trade mark “LAVIE” (word), “LAVIE LUXE” (word),  (label) and “LAVIE SPORT” (word) of the Plaintiff.

11. Thus it is necessary to pass the ad-interim order as sought by the Applicant/Plaintiff.

12. Accordingly, ad-interim is granted in terms of Prayer Clauses (a) to (e). The said Prayer Clauses (a) to (e) are reproduced herein below for ready reference:-

“(a) that pending the hearing and final disposal of the suit, the Defendant by herself, her representatives, servants, stockist, dealers and agents and any other persons associated with or claiming through her or acting on her behalf or under her instructions be restrained by a temporary order and injunction of this Hon'ble Court from using the Impugned Trade Mark “LAVIE LUXURY” and the domain name <https://www.lavieluxury.in> or any other mark in any languages as word marks or as label marks or as part of label marks or as trade names/ domain name or as part of packages, in respect of perfumes and colognes or

similar, complimentary, agnate or cognate or allied goods and her business or in any other manner whatsoever and from manufacturing, selling, offering for sale, advertising or dealing in perfumes and colognes or similar or any other goods bearing the Impugned Trade Mark, which is an infringement of or deceptively similar or a deceptive variation to the Applicant's registered trade marks "LAVIE" (word) bearing No.1856023 in Class 18, "LAVIE LUXE" (word) bearing No.6088369 in Class 3; *Lavie Luxe* (label) bearing No.6056982 in Class 3, and "LAVIE SPORT" (word) bearing No.6088370 in Class 3, and from operating any business or manufacturing, selling, offering for sale, advertising or dealing in perfumes and colognes or similar or any other goods bearing the Impugned Trade Mark or the Applicant's registered trade marks or any other mark in any languages as word marks or as label marks or as part of label marks or as trade names/ domain name, identical with or deceptively similar thereto;

(b) that pending the hearing and final disposal of the suit, the Defendant by herself, her representatives, servants, stockist, dealers and agents and any other persons associated with or claiming through her or acting on her behalf or under her instructions be restrained by a temporary order and injunction of this Hon'ble Court from using the Impugned Trade Mark "LAVIE LUXURY" and the domain name <https://www.lavieluxury.in> or any other mark in any languages as word marks or as label marks or as part of label marks or as trade names/ domain name or as part of packages, in respect of perfumes and colognes or similar, complimentary, agnate or cognate or allied goods and her business or in any other manner whatsoever, deceptively similar to or a deceptive variation of the Applicant's registered trade marks "LAVIE" (word) bearing No.1856023 in Class 18, "LAVIE LUXE" (word) bearing No.6088369 in Class 3; *Lavie Luxe* (label) bearing No.6056982 in Class 3, and "LAVIE SPORT" (word) bearing No.6088370 in Class 3, and from

operating any business or manufacturing, selling, offering for sale, advertising or dealing in perfumes and colognes or similar or any other goods bearing the Impugned Trade Mark or the Applicant's registered trade marks or any other mark in any languages as word marks or as label marks or as part of label marks or as trade names/ domain name, identical with or deceptively similar thereto, and from doing any other thing, so as to pass off or likely to pass off or enable others to pass off the Defendant's goods and business as and for those of the Applicant;

(c) that pending the hearing and final disposal of the suit, the Court Receiver, High Court, Bombay or such other fit and proper person as this Hon'ble Court thinks fit be appointed the Receiver with all powers under Order XL Rule 1 and Order XXXIX Rule 7 of the Civil Procedure Code, 1908 to attend and search the premises, shops, offices, factories, godowns of the Defendants, her stockist, retailers, dealers and agents and other premises where the goods of the Defendant's bearing the Impugned Trade Mark **"LAVIE LUXURY"** or any other marks/ labels identical or similar to the Applicant's trade marks **"LAVIE"** (word), **"LAVIE LUXE"** (word), *Lavie Luxe* (label) and **"LAVIE SPORT"** (word) and all material including advertisements/ banners/ pamphlets/ display boards/ and such other goods and materials bearing the Impugned Trade Mark that may be stocked or are lying and to make an inventory, seize and take possession/ custody thereof and also all labels, production registers, invoices, printing and packaging and the Defendant, her representatives, servants, stockist, retailers, dealers and agents and any other persons associated with or claiming through her or acting on her behalf or under her instructions be ordered and directed to deliver up all of the aforesaid to the Court Receiver or to such other fit and proper person as this Hon'ble Court thinks fit and the Receiver shall be entitled (if he considers appropriate or necessary) to avail of police protection or assistance in implementing

the aforesaid and the Court Receiver be authorized to break open any locks at the aforesaid locations for the purposes aforesaid and furthermore that the Defendant, her representatives, servants, stockist, retailers, dealers and agents and any other persons associated with or claiming through her or acting on her behalf or under her instructions who are holding the infringing materials be hereby directed not to obstruct the Applicant or its authorized representatives or employees when they are visiting the site or the premises along with the Court Receiver or his Representative for taking search and taking away the infringing materials by taking any proceedings or filing any criminal complaints against the Applicant or its representatives or employees in executing the Order;

(d) that pending the hearing and final disposal of the suit, the Defendant, her representatives, servants, stockist, dealers and agents and any other persons associated with or claiming through her or acting on her behalf or under her instructions or acting in concert with her, be ordered to deliver up for destruction all the Defendant's goods, dies, articles, bottles, packets, labels, cartons, packaging material, plates, ink, product literature, advertising material, paper and all other things used in connection with or intended to be used in connection with the manufacture, marketing or sale of the Defendant's goods bearing the Impugned Trade Mark **"LAVIE LUXURY"** or any other mark/ label identical with or similar to or in any manner comprising the Applicant's trade marks **"LAVIE"** (word), **"LAVIE LUXE"** (word), *Lavie Luxe* (label) and **"LAVIE SPORT"** (word) ;

(e) that pending the hearing and final disposal of the suit, the Defendant by herself, her representatives, servants and agents and any persons associated with or claiming through her be ordered and directed to disclose on oath all revenue generated by them in her own name and/or through any entity she is associated with in India or globally concerning the same business as that of

Applicant and/or under the Impugned Trade Mark “LAVIE LUXURY” or any other mark in any languages as word marks or as label marks or as part of label marks or as trade names, deceptively similar to or a deceptive variation to the Applicant’s registered trade marks “LAVIE” (word) bearing No.1856023 in Class 18, “LAVIE LUXE” (word) bearing No.6088369 in Class 3; *Lavie Luxe* (label) bearing No.6056982 in Class 3, and “LAVIE SPORT” (word) bearing No.6088370 in Class 3 along with Income tax returns of the Defendants for the years 2025 till date;”

13. The Court Receiver, High Court of Bombay, is appointed with the following powers and directions, viz.:

- (a) All powers under Order XL Rule 1 and Order XXXIX Rule 7 of the *Code of Civil Procedure, 1908* except the power of sale.
- (b) A direction to visit and search all premises of Defendants, forcibly, breaking open locks, if necessary; and also where necessary, with police assistance.
- (c) A direction to seize and seal in the Defendants’ premises all the offending material including drawings, copies, cartons, dyes, moulds, printing equipment, other material of all description that carry the impugned mark or label and products manufactured by the Defendants.
- (d) A direction to make an inventory of all the material, equipment, etc.

14. For the effective, expeditious and practical implementation of this Order, there is need of appointments of Additional Special Receivers since the Defendant is located at Agra, Uttar Pradesh.

- (a) The Advocate for the Plaintiff has given the name of Advocates who can be appointed as Additional Special Court Receivers to assist the Court Receiver attached to this Court.
- (b) **Adv. Navin K P Sinha** appointed as Additional Special Receivers to execute this Order. The contact details of Additional Special Receivers, are as under:

Name: Adv. Navin K P Sinha

Email ID: nkpsinha26@gmail.com

Address: C/o. 16A, 46, Islam Building,
1st Floor, Veer Nariman Road,
Opp. Akbarally's Fort,
Mumbai – 400 023

Mobile: +91 98700 71802

- (c) The fees of Additional Special Receivers for executing this commission is fixed at Rs.35,000/- per day or part thereof. These fees will be paid by the Plaintiff in the first instance, but the Plaintiff is at liberty to seek these costs at the final hearing of suit.

- (d) It is clarified that the Court Receiver, High Court of Bombay also stands appointed and that the appointment of the Additional Special Receiver is only for convenience.
- (e) The Additional Special Receivers will submit reports by e-mail to the Office of Court Receiver, High Court of Bombay at its Email ID: crcvr-bhc@nic.in.

15. Execution and implementation of the Order:

- (i) The Additional Special Receiver is empowered and authorized, acting on copy of this order, to take the assistance of the local police authorities in the execution of this commission.
- (ii) The concerned police authorities are directed to act on production of a copy of this order.
- (iii) The Court Receiver will issue the necessary letters of authority to enable the local police to act.
- (iv) The Additional Special Receiver is directed to seize and seal all infringing goods bearing the impugned trade mark/label and make inventory of such seized goods.
- (v) The Additional Special Receiver may, if necessary, break open any locks with the assistance of police.

(vi) The Additional Special Receiver may visit each of the locations of the Defendants and any other additional addresses of the Defendants as may be pointed out by the Plaintiff's representatives and to seize and seal all infringing products of the Defendants.

(vii) These products will be retained in the Defendant's premises for the present.

16. The Plaintiff will comply with the provisions of Order XXXIX Rule 3 of the *Code of Civil Procedure, 1908* within 14 days of the Court Receiver and Additional Special Receivers completing / executing their commission as directed by this order.

17. The Advocates for the Plaintiff will lodge a copy of this Order with the Office of the Court Receiver within seven days of such copy being made available. Upon the same being lodged with the Court Receiver, compliance with Rule 596 of the *Bombay High Court (Original Side) Rules, 1980* is dispensed with.

18. The Additional Special Receiver will submit his reports by e-mail to the Office of Court Receiver, High Court of Bombay by 08th September 2026.

19. The Court Receiver, High Court of Bombay will submit a

report to the Court on or before 21st September 2026.

20. Stand over to **23rd September 2026.**

21. Ad-interim relief granted to continue till the next date.

22. All concerned to act upon true copy of this order signed by the Personal Assistant of this Court.

[MADHAV J. JAMDAR, J.]