

**(2001) 04 BOM CK 0050**

**Bombay High Court**

**Case No:** Notice of Motion No. 622 of 2001 in Suit No. 865 of 2001

International Association of  
Lions Clubs

APPELLANT

Vs

National Association of Indian  
Lions and Others

RESPONDENT

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**Date of Decision:** April 10, 2001

**Citation:** (2002) 25 PTC 84

**Hon'ble Judges:** D.K. Deshmukh, J

**Bench:** Single Bench

**Advocate:** R.M. Kadam, instructed by Jehangir Gulabbhai and Bilimoria and Daruwalla, for the Appellant; Ravi Bhat and Nainesh Amin, for the Respondent

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### **Judgement**

D.K. Deshmukh, J.

P.C.

1. Notice of motion is made returnable after six weeks. Heard learned counsel for the plaintiffs and the defendants. So far as the question of grant of ad-interim order is concerned, the plaintiffs claim to be an international organisation which is functioning since 1956. The plaintiffs claim that there are about 44,450 Lions Clubs all over the world and it has 1,55,000 members in 4,300 Chartered Clubs in India. The plaintiffs claim that the organisation viz. Lions Club has acquired the distinctive identity in the minds of public in India who associates exclusively with the plaintiffs and the affiliated organisations set up under the charter granted by the plaintiffs. The plaintiffs claim that the defendants have adopted the name "Indian Lions Club" fully aware of the fact that the plaintiffs are a large international organisation. According to the plaintiffs, the defendants are trying to pass off their organisation as part of the plaintiffs' organisation. It appears from the affidavit filed on behalf of the defendants that the members of the defendants were members of the plaintiff Club previously, they were dissatisfied with the work of the plaintiff Club in Mumbai

and they therefore left their membership and they have formed their own Club. It goes without saying that there is definite similarity in the name of the plaintiffs and the name of the defendants. If the defendants' organisation has come into existence because of the dissatisfaction with the working of the plaintiffs and if it was not the intention of the defendants to pass off their organisation as an associate of the plaintiffs, then there was no justification for the defendants to use "Lion" in the name of their Club. If their Club came into existence because of the dissatisfaction with the plaintiffs, then they would have tried to distance themselves from the plaintiffs and they would have adopted a name which cannot even remotely be connected to the plaintiffs. There was at all no justification for using word "Lion" in the name of their Club when everybody knows that the Lions Club is an international organisation in existence for last several decades. In my opinion, therefore, the use of the word "Lion" in the name of the organisation of the defendants shows their intention to pass off their organisation as that of the plaintiffs. In this view of the matter, therefore, in my opinion, the plaintiffs are entitled to ad-interim order in terms of prayer Clauses (a) and (b). It is accordingly granted. At this stage, the learned counsel for the defendants requested that the operation of this order should be stayed. It is however to be seen that by order dated 16th March 2001, ad-interim order in terms of prayer Clause (a) has already been granted because a statement was made by the defendants that the defendants will not take any steps to get renewal of their domain name. As the ad-interim order in terms of prayer Clause (a) is operating for nearly a month now, I see no justification for grant of this request. Notice of motion is therefore disposed off.

2. Parties to act on the copy of this order duly authenticated by the Associate/Personal Secretary as true copy.

Certified copy expedited.