

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
INTERIM APPLICATION NO.1912 OF 2026
IN
COMMERCIAL IP (L) NO.42729 OF 2025

International Trading Co.	...Applicant
<u>IN THE MATTER BETWEEN:</u>	
Sandeep D. Gala	...Applicant/ Plaintiff
<i>Versus</i>	
International Trading Co.	...Respondent/ Defendant

WITH
INTERIM APPLICATION (L) NO.42857 OF 2025
IN
COMMERCIAL IP (L) NO.42729 OF 2025

Sandeep D. Gala	...Applicant/ Plaintiff
<i>Versus</i>	
International Trading Co.	...Respondent/ Defendant

Mr. Hiren Kamod a/w. Mr. B. N. Poojari, Mr. Rahul Poojari and Ms. Nidhi Bangera i/b. Asian Patent Law, for the Plaintiffs.
Mr. Shilpan Gaonkar a/w. Mr. Parag More, Mr. Shekhar Mane and Mr. Prabhakar M. Jadhav, for the Applicant in IA/1912/2026.
Ms. Nandini Deshpande, 1st Assistant to the Court Receiver, High Court, Bombay, present in Court.

CORAM: MADHAV J. JAMDAR, J.
DATED : 19th AUGUST 2026

PC:-

INTERIM APPLICATION NO.1912 OF 2026:

1. This Interim Application is filed by the Applicant under Order XXXIX Rule 3A and 4 read with Section 151 of the Code of Civil Procedure, 1908, seeking to vacate the ex-parte ad-interim order dated 21st January 2026 passed by a learned Single Judge in Interim Application (L) No.42857 of 2025 in Commercial IP Suit (L) No.42729 of 2025.

2. Mr. Hiren Kamod, learned Counsel appearing for the Plaintiff submits that the Plaintiff has no objection for setting aside the said order dated 21st January 2026. He submits that however, by setting aside the said order, Interim Application (L) No.42857 of 2025 be heard afresh as the said order was passed ex-parte. However, he submits that the same be done expeditiously.

3. Mr. Gaonkar, learned Counsel appearing for the Applicant i.e. original Defendant, on instructions, submits that the Defendant has no objection for the said course of action.

4. Accordingly, by consent of the parties, Interim Application No.1912 of 2026 is allowed in the following terms:

i. Order dated 21st January 2026 passed by the learned Single Judge in Interim Application (L) No.42857 of 2025 in Commercial IP Suit (L) No.42729 of 2025 is quashed and set aside.

5. It is clarified that all contentions are expressly kept open.

6. Interim Application No.1912 of 2026 is disposed of in above terms.

INTERIM APPLICATION (L) NO.42857 OF 2025:

7. The Defendant has filed affidavit in reply and the Plaintiff has also filed rejoinder. However, Mr. Gaonkar, learned Counsel appearing for the Defendant seeks time to file additional affidavit. Let such additional affidavit be filed on or before 31st August 2026. Rejoinder, if any, be filed on or before 7th September 2026.

8. Stand over to 10th September 2026 at 03:00 p.m..

COURT RECEIVER REPORT NO.71 OF 2026:

9. As the order dated 21st January 2026 is set aside by which the Court Receiver was appointed, the Court Receiver, High Court, Bombay/Additional Special Receiver, to handover the goods to the Defendant immediately within a period of one week from today.

10. Court Receiver Report No.71 of 2026 stands disposed of in terms of prayer clause (b). The Court Receiver is discharged without passing of accounts, subject to payment of costs, charges and expenses to be paid within two weeks by the Plaintiff on demand being made by the office of the Court Receiver. Cost of this report is fixed at Rs.5,000/- and the Court Receiver is permitted to recover the same from the balance available in the Suit account.

[MADHAV J. JAMDAR, J.]

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