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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
NOTICE OF MOTION (L) NO. 1172 OF 2016
IN
SUIT (L) NO. 347 OF 2016**

Kinedex Healthcare Private Limited	...Plaintiff
<i>Versus</i>	
Recxia Formations Private Limited	...Defendant

Ms. Miloni Gala, i/b Mr. Mahesh A. Mahadgut, for the Plaintiff.

**CORAM: G.S. PATEL, J
DATED: 28th July 2016**

PC:-

1. On 18th April 2016, Mr. Mahadgut for the Plaintiff moved for ad-interim reliefs after notice. He had tendered an Affidavit of Service. The Defendants, though served, were absent.

2. The dispute was in relation to the Plaintiff's registered mark **ROSIFLEX**, and the case was that the Defendant had illicitly adopted the mark **ROSILEX**. I granted an ad-interim injunction till 28th June 2016. I directed that an Affidavit in Reply and Affidavit in Rejoinder be filed and served, and set down the Notice of Motion for final hearing on 27th June 2016. The ad-interim order was continued till further orders by another order dated 28th June 2016.

3. Till date, the Defendants have not even entered appearance, leave alone filed any Affidavit in Reply. There is no reason why this Notice of Motion should be kept pending.

4. The ad-interim order is confirmed as the final order on the Notice of Motion. In other words, the Notice of Motion is made absolute in terms of prayer clauses (a) and (b), both set out in the order dated 16th April 2016.

5. In addition, at the final hearing of the Suit, the Plaintiff will be entitled to apply for recovery of the actual costs of this Notice of Motion.

6. The Notice of Motion is disposed of in these terms.

(G. S. PATEL, J.)