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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
NOTICE OF MOTION (L) NO. 1257 OF 2016
IN
SUIT (L) NO. 387 OF 2016**

Prism Cement Limited ...Plaintiff

Versus

Rakesh Lodha Prop. Pratik Marketing ...Defendant

Ms. Akshata Kamath, i/b W.S. Kane & Co., for the Plaintiff.

CORAM: G.S. PATEL, J

DATED: 28th July 2016

PC:-

1. On 22nd April 2016, Mr. Kane for the Plaintiff moved for ad-interim reliefs after notice. The Defendants were represented by Ms. Rajashri Karande who undertook to file her vakalatnama. She stated on instructions that the Defendant was not using any of the impugned mark. I noted and accepted that statement and then said that the Defendant could not possibly be prejudiced by an order in terms of prayer clauses (a), (b) and (c) of the Notice of Motion. There was, therefore, an ad-interim order in those terms. I directed the filing of Replies and Rejoinder, and scheduled the Notice of Motion for final hearing.

2. The Motion is listed at Sr. No. 263 on the Weekly Board for final hearing. This list was made available well in advance. None appears for the Defendant. I notice that although appearance has been entered, it is by Mr. Joseph Varikasery and not Ms. Karande. Nonetheless, an Affidavit in Reply ought to have been filed by now. There is no such Affidavit.

3. I will confirm the ad-interim order of 22nd April 2016 as the final order as Notice of Motion.

4. The Notice of Motion is made absolute in terms of prayer clauses (a), (b) and (c). In addition, at the final hearing of the Suit, the Plaintiffs will be entitled to apply for recovery of the actual costs incurred by them in this Notice of Motion.

(G. S. PATEL, J.)