

ATUL

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
NOTICE OF MOTION (L) NO. 1496 OF 2016
IN
SUIT (L) NO. 476 OF 2016

Ajanta Pharma Limited ...Plaintiffs
Versus
G. D. Laboratories (India) Pvt. Ltd. & Anr. ...Defendants

Mr. Himanshu Kane, a/w Ms. Akshata kamath, i/b W. S. Kane & Co., for the Plaintiffs.

CORAM: G.S. PATEL, J
DATED: 19th September 2016

PC:-

1. The Suit has already been decreed as against Defendant No. 1. The Defendant No. 2 is a Nigerian entity. It was served by email. A copy of Mr. Kane's firm's email dated 3rd June 2016 is taken on record and marked "X" for identification.

2. There is no response from the 2nd Defendant to the Notice of Motion. There was an ad-interim order dated 2nd May 2016. Essentially the 1st Defendant was manufacturing the product under the illicit mark and with the get up at the instance of the 2nd Defendant.

3. For the reasons set out in that order, the Notice of Motion is made absolute in terms of prayer clauses (a) and (b) as against the 2nd Defendant, leave under Clause XIV having previously been granted.

4. The Plaintiffs are entitled to recover the actual costs of this Notice of Motion from the 2nd Defendant at the final hearing of the Suit.

(G. S. PATEL, J.)