

SHEPHALI

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
IN ITS COMMERCIAL DIVISION
NOTICE OF MOTION NO. 85 OF 2016
IN
COMMERCIAL SUIT NO. 233 OF 2016**

Prime Housewares Limited	...Plaintiffs
<i>Versus</i>	
Cello Plastotech & 7 Ors.	...Defendants

Mr. A. Davar, *a/w Ms. Pooja Karadia, i/b Nahush Shah Legal, for the Plaintiffs.*
Mr. V. R. Dhond, *Senior Advocate, a/w Mr. Hiren Kamod, Mr. Gautam Panchal, i/b Gautam & Co., for the Defendants.*

CORAM: G.S. PATEL, J
DATED: 23rd November 2016

PC:-

1. *Prima facie* it appears that evidence will be required on the question at least of the date of prior publication if any, for it is the Defendants' case that the Plaintiffs' design was published in 2011-12. This is attempted to be shown from pages 387-388 of the Notice of Motion.

2. At this stage, Mr. Daver seeks to withdraw the Notice of Motion with liberty. The Notice of Motion is dismissed as

withdrawn. All rights and contentions are specifically kept open. Liberty to the Plaintiff to file a Chamber Summons for amendment and also to file fresh Notice of Motion for interim reliefs thereafter, if so advised.

(G. S. PATEL, J.)