

Shephali

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
NOTICE OF MOTION NO. 1588 OF 2013
IN
SUIT NO. 839 OF 2013

Biochem Pharmaceutical Industries Ltd.	...Plaintiffs
<i>Versus</i>	
Gracious Pharmaceuticals	...Defendants

Mr. Dhiraj Chavan, i/b Nayan Rawal, for the Plaintiffs.
Mr. Ashutosh Kane, a/w Ms. Akshata Kamath, i/b M/s. W. S. Kane
& Co., for the Defendants.

CORAM: G.S. PATEL, J
DATED: 30th March 2016

PC:-

1. The Motion is listed at Sr. No. 225 on the weekly board. This weekly board was notified on 21st March 2016 and possibly even a few days earlier. For these entire week, reserved specially for Intellectual Property matters, there is no daily board, and the Weekly Board is notified to commence after the short Supplementary Board. Since Monday, 28th March 2016, the Weekly Board has been taken up. Further, the notice accompanying the notification of the Weekly Board clearly stated that these final hearing matters will be taken up serially and that no adjournments

would be granted. A general notice also states that no adjournments will be granted on the ground of non-availability of the counsel.

2. An application is made on behalf of the Plaintiffs today that they are in the process of appointing a new counsel. That is no ground. The Plaintiffs have had at least ten days to set their house in order. I see no reason whatsoever to grant the Plaintiffs any such indulgence in a Motion that is already three years old.

3. There appears to be no ad-interim order. Indeed, as Mr. Kane for the Defendants points out, it does not seem that any ad-interim relief was ever sought. Mr. Kane also points out that the Plaintiff has repeatedly sought adjournments on one ground or the other. On 23rd November 2011, the Motion was adjourned by consent. However, it was previously adjourned, and repeatedly, at the instance of the Plaintiffs, including on 17th August 2015 and again on 13th January 2016. Evidently the Plaintiffs have no real interest in pursuing this Motion.

4. Mr. Chavan for the Plaintiffs is unable to proceed, though given the opportunity to do so.

5. The Notice of Motion is dismissed. There will be no order as to costs.

(G. S. PATEL, J.)