

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY AND ORIGINAL CIVIL JURISDICTION
IN ITS COMMERCIAL DIVISION**

**COMMERCIAL NOTICE OF MOTION (L) NO.1057 OF 2019
WITH
LEAVE PETITION (L) NO.176 OF 2019
IN
COMMERCIAL IP SUIT (L) NO.496 OF 2019**

Asian Paints Limited

....Applicant/Plaintiff

Vs.

Anthony Muthu and Anr.

....Defendants

Mr. Vinod Bhagat i/b. G.S. Hegde and V.A. Bhagat for applicant/plaintiff.
Mr. P.K. Nardele, OSD from the office of the Court Receiver present.

CORAM : K.R.SHRIRAM, J.

DATE : 04.06.2019

P.C.:

1 Pursuant to an order dated 23rd April 2019 read with order dated 2nd May 2019 ad-interim relief in terms of prayer clauses – (a), (b) and (c) of the notice of motion was granted. The Court Receiver, who was appointed by the said order, attended and searched the premises of defendants and other premises wherever the impugned goods were stored on 29th April 2019. The goods have been seized by the Court Receiver and after preparing an inventory have been kept in the shops/premises of defendants wherever they were found and sealed. Defendants also gave an undertaking to safeguard the sealed impugned products and also gave provisional undertaking to that effect in presence of parties present. Court Receiver's Report dated 30th April 2019 is on record.

2 Defendants have neither entered appearance nor filed any affidavit in reply opposing the notice of motion.

3 Therefore, notice of motion is made absolute in terms of prayer clauses – (a), (b) and (c) and accordingly disposed.

4 Since leave under Clause 14 has been granted on 2nd May 2019, leave petition also stands disposed.

5 Within two weeks from today, all office objections in the notice of motion and suit to be removed and notice of motion and suit to be numbered, failing which the notice of motion and suit will stand dismissed without further reference to this Court.

6 Within one week from today, plaintiff shall apply for issuance of writ of summons and within two weeks thereafter, serve the writ of summons upon defendants. Plaintiff is permitted to serve the writ of summons by hand delivery in addition to the usual mode of service through the office of the Sheriff of Mumbai.

7 Suit be listed for directions on 9th August 2019.

(K.R. SHRIRAM, J.)