

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY AND ORIGINAL CIVIL JURISDICTION
COMMERCIAL CHAMBER SUMMONS NO.72 OF 2017
IN
COMMERCIAL IP SUIT NO.305 OF 2016**

Gillette India Limited	..Applicant
In the matter between	
Gillette India Limited	..Plaintiff
Vs.	
Reckitt Benkiser (India) Pvt Ltd.	..Defendant

Ms Priyanka Mitra I/b Mr. Cyril Amarchand Mangaldas for
Plaintiff/Applicant
Mr. Hardik Sanghavi I/b Argud Partners for Defendant

**CORAM : K.R.SHRIRAM, J.
DATE : 3rd JUNE 2019**

P.C.:

1 This chamber summons is taken out for leave to amend the
plaint. Mr. Sanghavi appearing for defendant states that they have not been
served with the copy of chamber summons. Ms Mitra states that chamber
summons has been served on defendant's advocates on 26th May 2017 at
about 6.10 p.m. and tenders photocopy of the forwarding letter dated 26th
May 2017, which is taken on record and marked as "X" for identification.

2 There is no affidavit in reply opposing the chamber summons. I
have also considered the affidavit in support. This is pre-trial amendment.
Amendment sought also does not alter the cause of action or the nature and
character of the suit. There cannot be any malafide attributed to plaintiff.

Plaintiff is only seeking deletion of a particular portion from the plaint as mentioned in the schedule annexed to the chamber summons.

3 In the circumstances, chamber summons is allowed in terms of prayer clause (a) except Sr. No.(3) in the schedule, which is bracketed in redink. Plaint be amended and amended plaint to be served within two weeks from today.

4 Chamber summons accordingly stands disposed.

5 Should defendant wish to file further written statement, defendant may do so within two weeks of receiving the amended plaint.

6 On or before 10th July 2019 inspection to be completed. If inspection is not given, such party will not be permitted to rely on such document. By 17th July 2019 statement of admission and denial with reasons for denial to be exchanged. If the statement of admission and denial is not given, parties shall be deemed to have admitted the existence of all the documents of the other side.

7 Suit be listed for issues on 24th July 2019 on which date parties shall come with agreed draft issues and a separate list of issues on which

they are unable to agree. On the next date, if parties do not come with draft issues, they are put to notice that parties will be put to terms.

8 Ms Mitra states that there is another Suit bearing Commercial IP Suit No.1 of 2016, which was otherwise tagged alongwith this suit, i.e., Commercial IP Suit No.305 of 2016. Therefore, Commercial IP Suit No.1 of 2016 also be listed on 24th July 2019, for issues and the directions passed above in this suit will apply to that suit also.

(K.R. SHRIRAM, J.)