

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

**COMMERCIAL NOTICE OF MOTION (L) NO.1213 OF 2019
WITH
COMMERCIAL CHAMBER SUMMONS (L) NO.801 OF 2019
IN
COMMERCIAL IP SUIT (L) NO.577 OF 2019**

Hindustan Unilever LimitedPlaintiff

Vs.

Endurance Domains Technology LLP and Ors.Defendants

Mr. Cyrus Ardeshir a/w. Ms. Jyoti Sinha I/b. Khaitan and Co. for applicant/plaintiff.

Ms. Anshika Misra I/b. AZB and Partners for defendant nos.1 and 3.

Mr. Durgaprasad Halwai I/b. Singhi and Co. for defendant no.6

Ms. Sushila M. Vichare I/b. Orbit Law Services for proposed defendant no.13.

CORAM : K.R.SHRIRAM, J.

DATE : 8th JULY 2019

P.C.:

COMMERCIAL CHAMBER SUMMONS (L) NO.801 OF 2019

1 At the outset, Ms. Vichare undertakes to file Vakalatnama on behalf of IDBI Bank within one week from today.

2 This chamber summons is for leave to amend the plaint and the notice of motion (lodging) no.1213 of 2019. Firstly this is a pretrial amendment and secondly, nobody has filed any affidavit opposing the chamber summons.

3 Ms. Vichare, counsel for proposed defendant no.13, IDBI Bank, tenders an affidavit of one Vijay Kumar Vootada, Deputy General Manager,

affirmed on 5th July 2019. In the affidavit in reply, the stand taken by IDBI Bank is because an employee in West Chamaparan Bettiah, Bihar Branch, has informed that one Rahul Sharma impersonating himself as HUL employee asked her to deposit money in one of the HUL accounts, the service has to be effected in the said Bihar Branch.

4 IDBI Bank could have certainly sent the papers to their Bihar Branch and taken instructions. This is nothing but a bureaucratic attitude being taken and this also amounts to delaying Court's proceedings, though I would not call it interfering with administration of justice. Therefore, I would proceed on the basis that there is no affidavit in reply opposing the chamber summons. In the said affidavit of Vijay Kumar Vootada, in paragraph 6, it is stated "..... it is submitted that this proposed respondents will abide by the orders passed by this Hon'ble Court".

5 In the circumstances, chamber summons is allowed and accordingly disposed in terms of prayer clause – (a). It is made clear that no consequential amendments are permitted.

6 Amendment to be carried out and copy of the amended plaint/notice of motion to be served on the newly added defendants also within one week from today. Affidavit in reply to be filed and copy served within one week thereafter.

7 Notice of motion to be listed for ad-interim on 29th July 2019.

(K.R. SHRIRAM, J.)