

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY AND ORIGINAL CIVIL JURISDICTION
COMMERCIAL NOTICE OF MOTION NO.1924 OF 2019
IN
COMMERCIAL IP SUIT NO.1024 OF 2019**

Benett, Colman and Co. Ltd & Ors

..Plaintiffs

Vs.

Nina Bandwagon Pvt Ltd

..Defendant

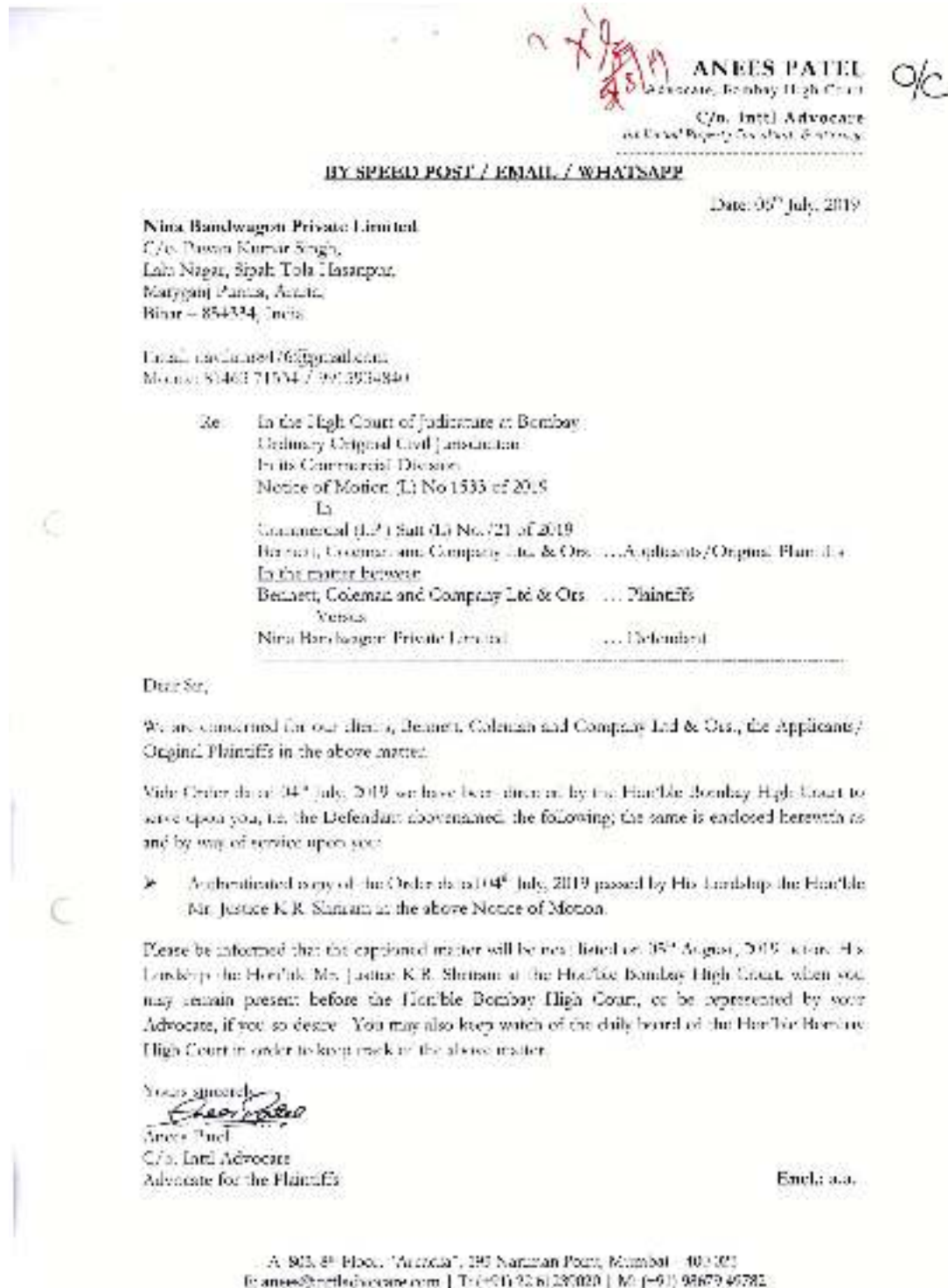
Mr. Rashmin Khandekar a/w Mr. Hardik Sampat I/b Anees Patel for
Plaintiff/Applicant
None for Defendant

**CORAM : K.R.SHRIRAM, J.
DATE : 5th AUGUST 2019**

P.C.:

1 Mr. Khandekar appearing for plaintiffs relies on an affidavit of one Mr. Anis Patel Advocate, affirmed on 19th July 2019 to state that defendant has been served a copy of the order dated 4th July 2019. I do not, however, find any letter annexed to the affidavit of service to show that a copy of the order has been sent to defendant. Mr. Khandekar tenders photocopy of the office copy of a letter dated 6th July 2019 and states that this was the forwarding letter referred to in paragraph 3 of the affidavit in support. Statement accepted and the said letter is taken on record and marked "X" for identification.

2 For ease of reference the said letter is scanned and reproduced herein below:



3 Despite service, defendant is absent and no affidavit in reply is filed. Nobody has also entered appearance for defendant and Mr. Khandekar states that his instructing advocate has not received any communication from any advocate stating that the said Advocate is entering appearance for defendant.

3 In the circumstances, ad-interim order granted on 4th July 2019, is confirmed as an order in the notice of motion.

4 Notice of motion accordingly stands disposed.

(K.R. SHRIRAM, J.)