

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

**COMMERCIAL NOTICE OF MOTION NO.2110 OF 2019
WITH
LEAVE PETITION NO.142 OF 2019
IN
COMMERCIAL IP SUIT NO.1114 OF 2019**

Parle Agro Private Limited

....Applicant/Plaintiff

Vs.

Shree Balaji Food and Beverages and Ors.Defendants

Mr. Hiren Kamod a/w. Mr. Nishad Nadkarni and Ms. Khushboo Jhunjhunwala i/b. Khaitan and Co. for applicant/plaintiff.

Mr. K. W. Fule for defendant nos.2 and 3.

Mr. Vivek Bharadwaj for defendant no.4.

Mr. D. N. Kher, Court Receiver present.

CORAM : K.R.SHRIRAM, J.

DATE : 3rd SEPTEMBER 2019

PC.:

1 At the outset, Mr. Bharadwaj undertakes to file Vakalatnama on behalf of defendant no.4. Mr. Bharadwaj states that defendant no.1 firm is no more in existence. Once upon a time defendant nos.2, 3 and 4 were partners of defendant no.1 but that firm has been dissolved long ago.

2 Defendant no.4 to file documentary evidence to that effect. The counsel for defendant no.4 shall provide details of defendant no.1 having been dissolved to plaintiff's advocates within two weeks from today with documentary evidence. Mr. Kamod states that once such evidence is received, he will take instructions from plaintiff as to whether to continue

the suit against defendant no.1.

3 The counsel state that the ad-interim order granted on 6th August 2019 be confirmed as order in the notice of motion and notice of motion be disposed.

4 Therefore, the order dated 6th August 2019 is confirmed as order in the notice of motion and notice of motion disposed.

5 Plaintiff, however, is given liberty to press for relief in terms of passing off after the Clause 14 petition is heard and disposed.

6 Mr. Fule and Mr. Bharadwaj waive service of the writ of summons.

7 Time to file written statement begins today. Written statement to be filed and copy served by 15th October 2019. It is made clear that no extension will be granted.

8 Suit be listed for case management hearing on 18th October 2019.

(K.R. SHRIRAM, J.)