

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

**COMMERCIAL NOTICE OF MOTION NO.71 OF 2015
IN
COMMERCIAL IP SUIT NO.281 OF 2015**

Sapat International Private Limited Applicant/Plaintiff

Vs.

Victoria International Pvt. Limited Defendant

Mr. H.W. Kane a/w. Mr. Aasif Navodia i/b. W.S. Kane and Company for
applicant/plaintiff.

Mr. Alankar Kirpekar i/b. MAG Legal for defendant.

CORAM : K.R.SHRIRAM, J.

DATE : 04.06.2019

P.C.:

1 At the outset, Mr. Kirpekar states that his instructions are not to appear for defendant any further. Mr. Kirpekar states that though he received instructions not to appear in the matter long back, no other advocate has approached him for his no objection.

2 Mr. Kane, counsel for plaintiff states that on 24th August 2015 an ad-interim order came to be passed in terms of prayer clause – (a). Thereafter, defendant filed its reply and rejoinder also came to be filed and defendant moved this Court for vacating the ad-interim order passed on 24th August 2015. Mr. Kane submits that after the Court considered all these affidavits, by an order dated 15th September 2015 declined to vacate the ad-interim order.

3 These orders have been in force for almost four years. The
application for vacating the ad-interim relief granted has been rejected.
Therefore, in my view and as submitted by Mr. Kane, the order dated
24th August 2015 read with order dated 15th September 2015 is confirmed as
order in the notice of motion and notice of motion accordingly stands
disposed.

4 Suit has already been transferred to the list of undefended suits.

5 Registry may, therefore, place the suit before the Court that has
the assignment for hearing the undefended suits in IPR matters.

6 MAG Legal in view of the email dated 2nd March 2016, print out
of which is taken on record and marked “X” for identification, stands
discharged.

7 Plaintiff is at liberty to take out further application for passing
off upon hearing and final disposal of the Clause 14 petition no.194 of 2015.
The said Clause 14 petition to be listed for hearing on 19th June 2019.

(K.R. SHRIRAM, J.)