

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

**COMMERCIAL NOTICE OF MOTION NO.68 OF 2015
IN
COMMERCIAL IP SUIT NO.275 OF 2015**

TCL Corporation and Anr.

....Applicants/Plaintiffs

Vs.

TCL Consumer Electronics LLP and Ors.

....Defendants

Mr. Alankar Kirpekar a/w. Ms. Pratiksha Thakur i/b. MAG Legal for applicants/plaintiffs.

Ms. Debashree Mandpe i/b. Ganesh and Company for defendant nos.2 to 4.

CORAM : K.R.SHRIRAM, J.

DATE : 04.06.2019

P.C.:

1 On 26th August 2015 an ad-interim order came to be passed in the notice of motion in terms of prayer clauses – (a) and (b). The order was operative till 22nd September 2015 but has subsequently been extended on 21st September 2015. No affidavit in reply has been filed by any of the defendant though served.

2 Therefore, the order dated 26th August 2015 is confirmed as order in the notice of motion and notice of motion accordingly stands disposed.

3 The suit as against defendant no.1 has been transferred to the list of undefended suits by an order dated 13th June 2016 passed by the Prothonotary and Senior Master, High Court, Bombay.

4 As regards defendant nos.2 to 4, written statement was to be filed by 29th July 2016 as directed in the order of 13th June 2016. This time was extended till 16th January 2018 by an order of 19th December 2017. One and half years have passed since then and Ms. Mandpe seeks further time to file written statement.

5 Ms. Mandpe states that defendants will file written statement and serve a copy by 8th June 2019.

6 In the interest of justice, I am inclined to grant time. At the same time, defendants nos.2 to 4 will have to be put to terms. Therefore, time is granted to defendant nos.2 to 4 to declare the written statement by 7th June 2019, serve a copy thereof upon plaintiffs by 8th June 2019 and file the same in the registry by 10th June 2019. Defendant nos.2 to 4, however, will have to pay a donation in the sum of Rs.1 lakh each as condition precedent to taking the written statement on record and these amounts have to be paid on or before 8th June 2019 to National Defence Fund (NDF), State Bank of India, Institutional Division, Parliament Street, New Delhi, Account No.11084239799-www.pmindia.nic.in.

7 The written statement to be accepted by the registry only upon proof of such payment being filed alongwith the forwarding letter. If the written statement is not so filed and/or the donation is not so paid, the suit will stand decreed in terms of prayer clauses – (a) to (e) without further

reference to this Court and drawn up decree will stand dispensed with.

7 If the written statement is so filed and donation is so paid, suit
be listed for directions on 14th June 2019.

(K.R. SHRIRAM, J.)