

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

**COMMERCIAL NOTICE OF MOTION NO.78 OF 2015
IN
COMMERCIAL IP SUIT NO.287 OF 2015**

Siddhi Vinayak Knots and Prints Pvt. Ltd.Applicant/Plaintiff

Vs.

D-Shopo

....Defendant

Mr. B.V. Mahadik a/w. Ms. Priyanka Patil for applicant/plaintiff.

None for defendant.

CORAM : K.R.SHRIRAM, J.

DATE : 11th JUNE 2019

P.C.:

1 Mr. Mahadik, counsel for plaintiff states that defendant though served has not been appearing and an affidavit of service was also taken on file when the Court heard the application for ad-interim relief. Mr. Mahadik states that the order dated 10th/16th September 2015 be confirmed as order in the notice of motion and the notice of motion be disposed.

2 Defendant has not entered appearance nor filed any reply. Therefore, the order dated 10th/16th September 2015 is confirmed as order in the notice of motion and notice of motion accordingly stands disposed.

3 There is an affidavit of service of one R.J. Tiwari, Sheriff's Bailiff affirmed on 1st October 2016 in which it is stated that the packet containing the writ of summons with two copies of plaint when sent to

defendant was returned with the endorsement "Refuse to Accept".

4 As refusal to accept is good service, I would proceed on the basis that writ of summons has been served.

5 The suit, therefore, be transferred to the list of undefended suits and placed before the Court that has the assignment.

(K.R. SHRIRAM, J.)