

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

INTERIM APPLICATION NO.1 OF 2019

IN

COUNTER CLAIM NO.6 OF 2013

IN

COMMERCIAL IP SUIT NO.16 OF 2011

Amkay Products Private Ltd.

...Plaintiff

vs.

MRK Healthcare

...Defendant

.....

Mr. Roshan Tanna, i/b. Akshay Patkar, for the Applicant/Defendant.

Mr. U.N. Shah, for the Respondent/Plaintiff.

.....

CORAM : S.C. GUPTE, J.

DATE: 28 JANUARY 2020

P.C.:

. Heard learned Counsel for the parties.

2. This interim application is taken out in a counter-claim filed by the Applicant (original Defendant). The counter-claim was dismissed for want of prosecution on 29 August 2019. The interim application seeks recall of that order and restoration of the counter-claim. There is a delay in taking out the interim application. The delay is sought to be condoned on the ground stated in the interim application. For the reasons stated, the delay is condoned and the order dated 29 August

2019 is recalled and Counter Claim No.6 of 2013 is restored to file. The Applicant shall pay costs of this application quantified at Rs.50,000/- to the original Plaintiff. Such costs to be paid within two weeks. Costs to be condition precedent.

Smita
Gonsalves

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Smita Gonsalves
Date: 2020.01.30
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(S.C.GUPTE, J.)