

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

COMMERCIAL APPEAL (L) NO. 382 OF 2019
IN
NOTICE OF MOTION NO. 62 OF 2015
IN
COMMERCIAL SUIT NO. 245 OF 2015

M/s. Borivali Biryani Centre ..Appellant
Versus
Marriott International & Anr. ..Respondents

Ms. Snehal Dukhale h/f Mr. Mehul Shah, Advocate for the Appellant.

CORAM : PRADEEP NANDRAJOG, C.J. &
SMT. BHARATI DANGRE, J.
DATE : 31st JANUARY, 2020

P.C.

1] The Appellant filed a suit alleging infringement of its registered trademark BBC and alongwith suit sought an interim injunction by filing Notice of Motion (L) No.2491 of 2014.

2] As is the practice in this Court, counsel have to inform counsel for the opposite side the date on which Notices of Motion would be taken up for consideration. On 28th November 2014 learned Single Judge permitted Plaintiff to renew its application for ad-interim reliefs with notice to the Defendants by 4th December 2014.

3] The impugned order dated 4th June 2019 records that since the Plaintiff i.e. the Appellant did not renew the application for ad-interim relief, therefore the Notice of Motion was being dismissed.

4] A Notice of Motion which is an interim application seeking interim relief pending disposal of the suit has to be heard on merits and decided.

5] Thus, the Appeal is disposed of setting aside the impugned order dated 4th June 2019 and restoring Commercial Notice of Motion No.62 of 2015 for adjudication on merits.

SMT. BHARATI DANGRE, J

CHIEF JUSTICE

Balaji
G.
Panchal

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Balaji G.
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