

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
COMMERCIAL NOTICE OF MOTION NO. 1385 OF 2018
IN
COMMERCIAL IP SUIT NO. 764 OF 2018

Charak Pharma Pvt. Ltd.Applicant

In The Matter Between

Charak Pharma Pvt. Ltd.Plaintiff

V/s

Charac Heritage Pvt. Ltd. And Anr.Defendants

Mr. Vinod Bhagat a/w Ms. Parveen Anand i/b GS Hegde and VA Bhagat for
Applicant/Plaintiff.
None for Defendants.

CORAM : K.R.SHRIRAM, J.
DATED : 17th MARCH 2021.

PC. :

1. Mr. Bhagat for plaintiff states that ad-interim order dated 03/05/2018 read with order dated 11/06/2018 be confirmed as order in the Notice of Motion and Notice of Motion be disposed.

2. After the ex-parte ad-interim order was passed on 03/05/2018 Defendant No.1 has filed affidavit of one Nishant Saharan affirmed on 31/05/2018 in which he has stated that Defendant No.1 has not even commenced manufacturing and is also willing to withdraw/surrender the

brand name of CHARAC which he was proposing to use in its product. Defendant No.2 has filed affidavit of one Rahul Watts stating that Defendant No.2 has never supplied any goods bearing impugned trade mark CHARAC to Defendant No.1. In view of the above, I see no reason why the ad-interim order passed on 03/05/2018 read with order dated 11/06/2018 should not be confirmed as order in this Notice of Motion.

3. The order dated 03/05/2018 read with order dated 11/06/2018 is confirmed as order in the Notice of Motion and Notice of Motion No.1385 of 2018 is accordingly disposed.

4. Mr. Bhagat states that no written statement has been filed by any of defendants though in the order dated 31/05/2018 defendants were directed to file written statement by 11/06/2018. Separate advocates have filed vakalatnama for both defendants but still no written statement has been filed.

5. Mr. Bhagat states that he will immediately apply for issuance of writ of summons and serve copy on defendants.

6. Stand over to 31st March, 2021 for directions.

(K.R. SHRIRAM, J.)