

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
IN ITS COMMERCIAL DIVISION
INTERIM APPLICATION NO.1464 OF 2021
IN
COMMERCIAL IP SUIT NO.106 OF 2021

Dr. Morepen Limited

....Plaintiff/Applicant

V/s.

Godrej Consumer Products Ltd.

...Defendant

Mr. Ashutosh Kane a/w. Ms. Vedangi Soman i/b. W. S. Kane and Co. for plaintiff.

Ms. Lalita Savekar i/b. Kulkarni and Associates for applicant/defendant.

CORAM : K.R. SHRIRAM, J.

DATED : 29th JULY 2021

P.C. :

1 Heard the counsel for applicant and also considered the affidavit in support. The reason as given in paragraph 5 of the application is certainly not very impressive. Mr. Kane is right in saying that paragraph 5 does not give the dates when the office was shut or that the advocate had gone underground that they could not even speak to him on telephone or access him by email. Mr. Kane states that though it is beyond 30 days, it is within further 90 days permissible and if the court is inclined to condoned the delay, then defendant should be imposed with cost.

Mr. Kane is justified.

2 In the circumstances, the delay is condoned. Registry to take the written statement affirmed on 1st July 2021, subject to defendant paying a sum of Rs.25,000/- as cost to plaintiff. This amount shall be paid within one

week from today. If cost is not paid within this one week period, registry shall reject the written statement.

3 Interim application accordingly stands disposed.

4 Ms Savekar states that copy of the written statement will be served on plaintiff during the course of today.

5 Parties shall give inspection of their respective documents within two weeks from today. If inspection is not given, such party will not be permitted to rely on such document. Within two weeks thereafter statement of admission and denial with reasons for denial to be exchanged. If the statement of admission and denial is not given, parties shall be deemed to have admitted the existence of all the documents of the other side.

6 Suit be listed for issues on 6th September 2021 on which date parties shall come with agreed draft issues and a separate list of issues on which they are unable to agree. On the next date, if parties do not come with draft issues, they are put to notice that parties will be put to terms.

(K.R. SHRIRAM, J.)