



2           He refers to ex-parte ad-interim order dated 05.05.2022 passed by this Court by which ad-interim relief had been granted in terms of prayer clauses (a) and (c). The Court Receiver was directed to execute the Commission within three weeks from the date of the order.

3           He has thereafter referred to the order passed by the Vacation Court dated 20.05.2022 by which the application of the Applicant/Plaintiff for appointment of Additional Special Receiver to execute the Commission was granted and direction was issued with regard to the Additional Special Receiver executing the Commission and filing the report on or before 05.06.2022. The Court Receiver was directed to file report on or before 07.06.2022. The matter was accordingly listed today.

4           The Assistant to the Court Receiver informed this Court that the Court Receiver's Report No.155 of 2022 has been filed pursuant to the receipt of report from Additional Special Receiver and which report has been filed by the Court Receiver on 06.06.2022 and is taken on record.

5           It is stated by Mr. Kane that the Defendants have been served during the execution of the Commission.

6 In view thereof, the leave Petition No.87 of 2022 is made absolute in terms of prayer clause (a).

7 In view of findings in the ex-parte ad-interim order dated 05.05.2022, the ad-interim relief in terms of prayer clause (b) which is for passing off is granted and which reads thus :

*(b) that pending the hearing and final disposal of the suit, the Defendants by themselves, their directors, servants, stockists, dealers, distributors, agents and all persons claiming through them be restrained by a temporary order and injunction of this Hon'ble Court from manufacturing and/or marketing and/or selling and/or advertising and/or trading in and/or otherwise dealing in medicinal and pharmaceutical preparations bearing the impugned trade mark "RIFAGET" and/or any other trade mark deceptively similar to the Plaintiff's said trade marks RIFAGUT, RIFAGUT 400 AND RIFAGUT 550 or any of them so as to pass off or enable others to pass off the Defendants' impugned goods as and for the Plaintiff's said well-known goods or in any other manner whatsoever;*

8 List the Interim Application (L) No.12094 of 2022 for hearing on 12.07.2022.

9 The ex-parte ad-interim order dated 05.05.2022 and this ad-interim order is continued till further orders.

10 The Advocates for the Applicant/Plaintiff shall serve copy of this order on the Defendants within a period of one week from the date of this order.

**(R.I. CHAGLA, J.)**

Digitally  
signed by  
WAISHALI  
SUSHIL  
WAGHMARE  
Date:  
2022.06.09  
10:50:51  
+0530