

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
INTERIM APPLICATION (L) NO.23436 OF 2021
IN
COMMERCIAL IP SUIT NO.122 OF 2022

Royal Inn Private Limited ... Applicant / Plaintiff
Vs.
Hotel Royal Inn ... Defendant

WITH
INTERIM APPLICATION NO.4314 OF 2022
WITH
COURT RECEIVER REPORT NO.448 OF 2021
IN
COMMERCIAL IP SUIT NO.122 OF 2022

Mr. Alankar Kirpekar with Ms. Jaya Manghwani i/b. Ms. Jaya Manghwani
for Applicant / Plaintiff.

Mr. Rajesh P. Khobragade i/b. Mr. Raj S. Gupta for Respondent.

Ms. Rekha Rane, 2nd Assistant to Court Receiver.

CORAM : MANISH PITALE, J.
DATE : OCTOBER 06, 2022

P.C. :

Heard learned counsel for the parties.

2. By order dated 25.08.2021, this Court had granted *ex-parte* ad-interim relief in favour of the applicant / plaintiff.

3. Thereafter, it was found that despite the aforesaid interim order passed against the defendant, it was still using the offending mark, as a consequence of which, the plaintiff was constrained to move an application under Order XXXIV Rule 2A of the Code of Civil Procedure, 1908. In that context, on 25.10.2021, this Court appointed a Receiver, who took symbolic possession of the premises of the defendant.

4. Thereafter, on 28.07.2022, a statement was made on behalf of the defendant that it had stopped using the offending mark and the statement

was accepted as an undertaking to this Court. By the said order, the *ex-parte* ad-interim relief was continued till further orders.

5. Today, when the matter is called out for hearing, learned counsel appearing for the applicant / plaintiff submits that the ad-interim order may be made absolute in the interest of justice and the application whereby the Court Receiver was to be appointed may also be disposed of in the light of the subsequent events. It was submitted that the plaintiff would press for payment of damages by the defendant for having used the offending mark.

6. Learned counsel appearing for the defendant submits that the defendant has indeed abided by the undertaking given to this Court and that he would have to take instructions on the aspect of damages claimed by the plaintiff and an attempt would be made to settle the dispute to that extent.

7. In view of the above, Interim Application No.4314 of 2022 is disposed of by making the ad-interim order absolute, during the pendency of the Suit.

8. Similarly, Interim Application (L) No.23436 of 2021 stands disposed of in the light of the appointment of the Court Receiver for taking symbolic possession of the premises and the applicant / plaintiff not pressing for the other reliefs in the said application.

9. List on 21.11.2022 under the caption 'for settlement'.

(MANISH PITALE, J.)

Minal Parab