

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

**COURT RECEIVER'S REPORT NO.164 OF 2022
IN
INTERIM APPLICATION (L) NO.7787 OF 2022
IN
COMMERCIAL IP SUITS (ST) NO.7782 OF 2022**

Jetharam Nemaram Gehlot & Ors. ...Plaintiffs

V/S

Dipak Talreja & Ors. ...Defendants

Mr. Alankar Kirpekar a/w Mr. Shekhar Bhagat and Mr. Rajas
Panandikar for Plaintiffs.

Ms. R. V. Rane, 2nd Assistant to the Court Receiver present.

CORAM : R. I. CHAGLA, J.

DATED : 13th JUNE, 2022.

P.C.

1. The Court Receiver's Report No.164 of 2022 dated
9th June 2022, which has been filed on 10th June 2022 is taken
on record.

2. By this Court Receiver's Report, the Court Receiver
is seeking discharge, in view non-lodgment of the plaint. By an
ex-parte ad-interim order dated 12th April 2022, the Court

Receiver and the Additional Special Receiver was appointed for execution of the commission. The Additional Special Receiver was to submit report to the Court Receiver on 4th May 2022 and Court Receiver to file Report before this Court on 6th June 2022. The ex-parte ad-interim order was continued till 8th June 2022.

3. Mr. Kirpekar, learned counsel appearing for the Plaintiffs states that the ex-parte ad-interim order dated 12th April 2022 was not lodged by the Plaintiffs with the Court Receiver in view of the Defendants no longer carrying out manufacturing activity from the premises mentioned in the cause title of the plaint. He has submitted that the Defendants are carrying out manufacturing activity from another premises which the Plaintiffs are not aware of and in view thereof, no purpose would be served in the Court Receiver being continued as the commission cannot be executed against the Defendant's premises mentioned in the cause title of the plaint. Hence, he has no objection to the discharge of Court Receiver.

4. In view of the submission of Mr. Kirpekar and noting the contents of the Court Receiver's Report which has been filed and taken on record. The following order is passed:-

- (i). The Court Receiver is discharged in view of non-lodgment of plaint and order by the Plaintiffs without drawing up of accounts and upon payment of cost and charges to be born by the Plaintiffs.
- (ii). The costs of the Court Receiver is awarded in the sum of Rs.15,000/- which shall be paid by the Plaintiffs within a period of one week from today.
- (iii). The Court Receiver's Report is disposed of in the above terms.
- (iv). The Interim Application (L) No.7787 of 2022 shall be placed on 6th July 2022.
- (v). The Plaintiffs shall serve the Defendants with the papers and proceedings and file Affidavit of service on or before the next date.

- (vi). The ex-parte ad-interim order as varied by this order shall continue to operate till further orders.
- (vii). Liberty to the Plaintiffs to apply in the event that they are able to ascertain the premises in which the Defendants are conducting the manufacturing activities of the products bearing the impugned mark.

(R. I. CHAGLA, J.)