

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

**INTERIM APPLICATION NO. 1556 OF 2022
WITH
COURT RECEIVER'S REPORT NO. 502 OF 2021
IN
COMMERCIAL IP SUIT NO. 50 OF 2022**

Asain Paints Limited

...Applicant/Plaintiff

Versus

Sri Shrinivasa Colors

...Defendant

* * *

- Mr. Vinod Bhagat, Mr. Karan Khiani i/by G.S. Hegde & V. A. Bhagat, for Applicant/Plaintiff.
- Mr. Vinod K. Sawant, Assistant Section Officer, Court Receiver Office, High Court, Bombay is present.

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CORAM : MANISH PITALE, J

DATE : 16TH NOVEMBER, 2022.

P. C. :

1. By order dated 26th November, 2021, this Court granted *ex-parte* ad-interim reliefs in favour of the Plaintiff. The Court Receiver executed the order and submitted Court Receiver's Report No. 502 of 2021, which is already on record.

2. Upon execution of the order, it was found that there were further infringing marks being used by the Defendants, in the light of which the pleadings were amended at the behest of the Plaintiff. Upon the amendments being granted, the Defendant was again served with the papers on 22nd March, 2022.

3. Thereafter, the application was listed for further

consideration on various dates when the ad-interim orders were extended. Thereafter, in the light of service upon the Defendant and the Leave Petition being granted, this Court considered the ad-interim reliefs in respect of the action of passing off, as also the amended prayers pertaining to further ad-interim reliefs claimed by the Plaintiffs, in the light of the additional infringing marks found as a consequence of execution of the earlier order.

4. By order dated 11th August, 2022, this Court granted further ad-interim reliefs in terms of the prayer clauses (c), (a-1) and (c-1). The ad-interim reliefs were directed to continue until further orders.

5. The application was thereafter adjourned and listed on few occasions and lastly it was directed to be listed today i.e. 16th November, 2022.

6. An affidavit of Service dated 15th November, 2022, is tendered by the learned Counsel for the Plaintiff. The same is taken on record. It is stated that the Defendant was informed by way of e-mail about the listing of the application today.

7. Despite service of papers and Defendant being made aware about listing of the present Application from time to time, including the listing of the application today, the Defendant has

chosen not to appear before this Court.

8. In this backdrop, the learned Counsel for the Applicant/Plaintiff was heard on making the ad-interim reliefs absolute. Considering the material placed on record and the detailed orders passed earlier, including the order dated 26th November, 2021, and 11th August, 2022, this Court is convinced that sufficient grounds are made out on behalf of the Plaintiffs for making the ad-interim reliefs absolute.

9. In view of the above, the ad-interim reliefs granted by this Court are made absolute and the application stands disposed of.

(MANISH PITALE, J.)