

CORAM : MANISH PITALE, J
DATE : 30th NOVEMBER, 2022

2. The defendants have been served in the matter including notice of hearing fixed for today. Learned counsel for plaintiffs has handed over the Whatsapp communication addressed to the defendants regarding listing of the application today for hearing.

3. Perusal of earlier orders dated 23rd December, 2021 and 10th October, 2022 demonstrate that this Court has found a strong case in favour of the plaintiffs as regards all the three parameters for grant of ad-interim reliefs i.e. prima facie case, irreparable loss that the plaintiffs would suffer in the absence of such interim reliefs and balance of convenience.

4. Today, Mr. Shamsi has appeared and submits that he has instruction to appear for defendant No.3. Defendant No.2 has chosen not to appear before this Court.

5. In these circumstances, this Court has considered the material on record. It is found that the impugned marks are counterfeits and slavishly copied essential features of the registered trade mark and copyright for the artistic work of the plaintiffs. As noted above, the plaintiffs have already made out sufficient grounds for grant of interim reliefs and in the light of the fact that the defendants, despite service, have failed to oppose the said prayers, in the interest of justice, the orders passed by this Court granting ad-interim reliefs are made absolute and the application stands allowed in terms of prayer clauses (a), (b), (c), (a)(i), (b)(i), (c)(i) as also prayer clause (e).

6. The application stands disposed of.

7. In the light of application being disposed of, Court Receiver also stands discharged without passing up of accounts. Accordingly, Court Receiver's Report bearing No. 37 of 2022 also stands disposed of.

(MANISH PITALE, J)