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

INTERIM APPLICATION NO. 257 OF 2022

IN

COMMERCIAL IP SUIT NO. 462 OF 2021

Sun Pharma Laboratories Ltd

...Applicant/Plaintiff

Versus

Alexin Biosciences & Anr.

...Defendants

* * *

- Mr. Ashutoh Kane and Ms. Maitri Asher i/by W.S. Kane & Co., for Applicant/Plaintiff.

* * *

CORAM : MANISH PITALE, J

DATE : 08TH DECEMBER, 2022.

P. C. :

1. By order dated 03rd January, 2022, this Court granted *ex-parte* ad-interim reliefs in favour of the Plaintiff. The Court Receiver executed the order and submitted his report, which is already on record.

2. Subsequently, Leave Petition filed under Clause 14 of the Letters Patent was also allowed by order dated 13th October, 2022, and ad-interim relief in respect of action of passing off was also granted in favour of the Plaintiff. It is subsequently directed that the ad-interim reliefs shall continue to operate until further orders and the Application be listed for consideration today.

3. The Defendants have been served. They have failed to appear before this Court and none has filed Vakalatnama on their

behalf.

4. In these circumstances, the learned Counsel for the Plaintiff is pressing for the application to be allowed and the ad-interim reliefs to be made absolute. This Court has considered the material on record. In the orders dated 03rd January, 2022 and 13th October, 2022, this Court found that the Plaintiff had indeed made out a strong *prima facie* case in its favour, and that there is every likelihood of the Plaintiff suffering grave and irreparable loss in the absence of ad-interim reliefs, thereby indicating that the balance of convenience is clearly in favour of the Plaintiff.

5. The Suit is concerned with medicinal and pharmaceutical preparations of the Plaintiff, which is in the said business for a considerable period of time. The material on record demonstrates the extent of goodwill in favour of the Plaintiff and the risk to which the consumer would be exposed, unless such ad-interim reliefs are made absolute.

6. In view of the above, the orders dated 03rd January, 2022 and 13th October, 2022, are made absolute and the application stands allowed in terms of prayer clauses (a), (b) and (c).

(MANISH PITALE, J.)