

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

**INTERIM APPLICATION NO. 2705 OF 2022
WITH
LEAVE PETITION NO. 19 OF 2022
WITH
COURT RECEIVER'S REPORT NO. 71 OF 2022
IN
COMMERCIAL IP SUIT NO. 134 OF 2022**

Sun Pharmaceuticals Industries Ltd. ...Applicant/Plaintiff

Versus

Addii Biotech Pvt. Ltd. & Anr. ...Defendants

- Mr. Hiren Kamod, Mr. Vaibhav Keni, Ms. Neha Iyer, Mr. Rohan Lopes, Mr. Prem Khullar and Mr. Anees Patel i/by Legasis Partners.

**CORAM : MANISH PITALE, J
DATE : 25th JANUARY, 2023.**

P. C. :

1. By order dated 10th February, 2022, this Court granted *ex-parte* ad-interim reliefs in favour of the Plaintiff. The order was executed and the Court Receiver submitted Court Receiver's Report No. 71 of 2022. The same is already on record. The Defendants have been served. Yet there is no appearance on their behalf.

2. In the light of the service on the Defendants, the learned Counsel appearing for the Plaintiff is pressing for grant of the Leave petition filed under Clause 14 of the Letters Patent for combining cause of action of infringement with that of passing off.

3. This Court has perused the Leave Petition. In interest of justice, the prayer is granted and the Leave Petition stands disposed

of.

4. In the light of Leave Petition being granted, the learned Counsel for the Plaintiff is pressing for grant of additional ad-interim reliefs, pertaining to the action of passing off and for seeking disclosures from the Defendants, in light of the pleadings in paragraph no. 26 of the plaint.

5. This Court has considered the aforesaid pleadings and the material on record. The Plaintiff has indeed made out a case for grant of additional ad-interim reliefs in terms of prayer clauses (c) and (d).

6. In view of the above, in addition to the ad-interim reliefs granted earlier, ad-interim reliefs are granted in terms of prayer clauses (c) and (d), which read as follows :

“(c) that pending the hearing and final disposal of the suit, the Defendants by themselves, their directors, proprietors, partners, servants, importers, agents, stockists, distributors, dealers, franchisees, licensees, assigns, predecessors and all persons claiming through and/or under them or acting on their behalf be restrained by a temporary order and injunction of this Hon’ble Court from manufacturing, marketing, selling, advertising, distributing, exhibiting for sale or otherwise dealing in medicinal or pharmaceutical preparations or like goods under the impugned trade mark VOLIKLIN / VOLIKLIN

or impugned packaging / trade dress at Exhibit "I" to the plaint or any other trade mark or packaging / trade dress deceptively similar to the Plaintiff's said well-known trade mark VOLINI /  and/or said artistic packaging / trade dress at Exhibits "D" to "D-3" to the plaint, so as to pass off the Defendants' impugned goods or like goods as and for the Plaintiff's well-known goods or in any other manner whatsoever;

- (d) *that pending the hearing and final disposal of the suit, the Defendants be ordered and directed to disclose on an affidavit the quantity of goods / quantum of sales made by the Defendants of the impugned goods bearing the impugned trade mark VOLIKLIN /  or impugned packaging / trade dress at Exhibit "I" to the plaint and deposit the same in the Court and also disclose the details of the whole-sellers, traders, stockists, distributors and importers of the impugned goods, the sale and purchase data, books of accounts, ledgers, sales bills, invoices, purchase orders;"*

7. The ad-interim reliefs granted earlier and the ad-interim reliefs granted today shall continue to operate until further orders.

8. List the application for further consideration on **13th March, 2023.**

(MANISH PITALE, J.)