

Sharayu Khot.

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

INTERIM APPLICATION (L) NO. 35417 of 2023

IN

COMMERCIAL IPR SUIT NO. 199 OF 2021

WITH

COMMERCIAL IPR SUIT NO. 199 OF 2021

WITH

INTERIM APPLICATION (L) NO. 2513 OF 2021

WITH

LEAVE PETITION NO. 33 OF 2021

WITH

COURT RECEIVER'S REPORT NO. 230 OF 2021

B4U Television Network India Ltd. & Anr.

...Applicants/
Orig. Plaintiffs

Versus

B4U Garments

...Defendant

Mr. Harish K. Raman i/by Avesh Kayser for the Plaintiffs.

Ms. Charushila M. Vaidya, 2nd Asstt. to Court Receiver is present.

CORAM : R.I. CHAGLA J

DATE : 19 December 2023

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ORDER :

1. The learned Counsel appearing for the

Applicants/original Plaintiffs has sought leave to withdraw the above Commercial IPR Suit No. 199 of 2021 with liberty to file a fresh Suit. For this purpose, the Applicants/Plaintiffs have filed the present Interim Application (L) No. 35417 of 2023.

2. In the Interim Application, it is mentioned that the Applicants/original Plaintiffs had been granted *ad-interim* relief in terms of prayer clauses (a), (b), (d) in Interim Application (L) No. 2513 of 2021 by *exparte ad-interim* order dated 16th February 2021. Copy of the said *exparte ad-interim* order dated 16th February 2021 is annexed at Exh.A to the Interim Application.

3. It is further mentioned that the reason for seeking leave to withdraw the captioned Suit is in order to not to burden the Court and that liberty may be granted to file a fresh Suit against the Defendant in the interest of justice, if found to be infringing the mark of the Plaintiffs at any time in the future.

4. Having considered the averments in the Interim Application and the reason for withdrawal of the captioned Suit, the leave sought for in the Interim Application is allowed. Hence, the

following order is passed.:-

- (i) The Applicants/original Plaintiffs are permitted to withdraw the Commercial IPR Suit No. 199 of 2021 with liberty to file a fresh Suit. Accordingly, Suit is disposed of as withdrawn with liberty as prayed.
- (ii) Court Receiver appointed by this Court stands discharged without drawing up accounts and on payment of costs, charges and expenses to be borne by the Plaintiffs.
- (iii) Court Receiver's Report No. 230 of 2021 stands disposed of.
- (iv) Interim Application (L) No. 2513 of 2021 does not survive and is accordingly, disposed of.
- (v) Court fees are to be refunded in accordance with the Rules. For the purposes of Section 43 of the Maharashtra Court Fees Act and the proviso to that

Section, today's date is the date of making a claim for repayment. The Prothonotary & Senior Master will issue a certificate for a refund of Court Fees computed according to the Rules. He will act on production of an authenticated copy of this order without requiring a separate application.

(vi) Interim Application (L) No. 35417 of 2023 is accordingly, disposed of.

[R.I. CHAGLA J.]