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

COM IPR SUIT NO.547 OF 2016
WITH
INTERIM APPLICATION (L) NO.23804 OF 2023

B4U Television Network India Ltd. & Anr. ...Plaintiffs

Versus

Bhavishya Broadcasting Ltd., & Ors. ...Defendants

Harish K. Raman i/b Kayser & Company for the Plaintiffs.

CORAM : R.I. CHAGLA J

DATE : 29 AUGUST 2023

ORDER :

1. The learned Advocate appearing for the Plaintiffs has sought leave to withdraw the Commercial IPR Suit No.547 of 2016 on the ground that Defendant No.1 has shut its operations and is no more active from a perusal of the website, wherein Defendant No.1's status is shown as struck off in the records of the Registry.

2. The Interim Application (withdrawal application) dated

25th August, 2023 is tendered and is taken on record. Reference has been made in the Interim Application to an order dated 28th July, 2016 passed by this court by which this Court had granted interim relief in terms of prayer Clauses (a), (b) and (c) and had made Notice of Motion (L) No.1597 of 2016 filed in the above Suit absolute.

3. Considering that the Defendant No.1 is no longer in the records of the Registry as borne out by the Master Data of Company at Exhibit B to the Interim Application, the prayer sought for in the Interim Application for withdrawal of captioned Suit with liberty to file fresh Suit against Defendants in the interest of justice if they are found to be in violation of the orders of this Court is allowed.

4. Accordingly, the Interim Application (L) No.23804 of 2023 is made absolute in terms of prayer Clause (a).

5. The Commercial IPR Suit No.547 of 2016 is accordingly disposed of as withdrawn.

6. 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.

[R.I. CHAGLA J.]