

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
INTERIM APPLICATION (L) NO.7074 OF 2020
WITH
LEAVE PETITION (L) NO.7076 OF 2020
IN
COMMERCIAL IP SUIT NO.285 OF 2022

Bajaj Electricals Limited ... Applicant / Plaintiff
Vs.
Pappu Farishta and another ... Respondents / Defendants

WITH
INTERIM APPLICATION NO.392 OF 2023

Mr. Melvyn Fernandes a/w. Ms. Anuya Pathare i/b. Vaish Associates for Plaintiff / Applicant in IAL/7074/2023 and for Respondent in IA/392/2023.

Mr. Siddha Pamecha a/w. Ms. Mansi Patel, Mr. Jay Chheda i/b. Ms. Mansi Patel for Defendants and for Applicants in IA/392/2023.

CORAM : MANISH PITALE, J.

DATE : APRIL 11, 2023

P.C. :

. By Interim Application No.392 of 2023, the defendants are seeking condonation of delay of 23 days in filing written statement. It is not disputed that the written statement is sought to be placed on record within the extended period of 120 days provided under the Code of Civil Procedure, 1908, applicable to Commercial Courts for filing written statement on behalf of the defendants.

2. Although the plaintiff has opposed the prayer made in the present application, this Court has considered the contents thereof. It is stated in paragraphs 3 to 8 as to the reasons why delay has occurred in filing the written statement, including a statement that the mother of defendant No.1 had fallen ill. This Court is convinced that sufficient cause is made out for condoning the delay. Hence, Interim Application No.392 of 2023 is allowed and delay is condoned. The office is directed to take the written statement on record.

LEAVE PETITION (L) NO.7076 OF 2020

This Court has perused the leave petition. The prayers made in the petition deserve to be granted in the interest of justice and particularly to avoid multiplicity of proceedings. Hence, the leave petition is allowed for combining the cause of action of passing-off with that of infringement.

INTERIM APPLICATION (L) NO.7074 OF 2020

. Interim Application (L) No.7074 of 2020 for interim reliefs is pending hearing. It is made clear that at the stage of hearing of the application for interim reliefs, this Court will consider the question of grant or refusal of interim reliefs pertaining to infringement as well as passing-off.

2. List the application for hearing on 21.06.2023.

(MANISH PITALE, J.)

Minal Parab