



O.A. Nos.634 to 636 of 2023 and A. Nos.3579 and 6438 of 2023 in C.S. (Comm.Div.) No.182

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in C.S. (Comm.Div.) No.182 of 2023

WEB C **ABDUL QUDDHOSE,J.**

O.A. Nos.634 to 636 of 2023 have been filed seeking for interim injunction.

2.Admittedly as seen from the affidavit filed in support of these applications, the applicant/plaintiff had issued cease and desist notice in April 2022 and a reply was also received. However, the applicant/plaintiff has chosen to file the suit in March 2023 almost one year after the cease and desist notice was sent.

3.Infact, written statement has been filed along with the condone delay application in A. No.6438 of 2023, which is listed for hearing today.

4.Learned counsel for the respondent in A.No.6438 of 2023 has not raised any serious objection for allowing the application.

5.In view of the fact that the applicant/plaintiff has not approached this Court immediately after coming to know about the alleged infringement said to have been committed, this Court is not inclined to hear O.A. Nos.634 to 636 of 2023 since the suit is ripe for trial as pleadings are complete in the suit. Further



being a commercial suit, there cannot be two parallel proceedings, viz. one for adjudication of the Interlocutory Applications and the other for trial.

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6.After giving due consideration to the aforesaid factors, this Court is closing O.A. Nos.634 to 636 of 2023.

7.A.No.3579 of 2023 has been filed to combine the cause of action.

8.Learned counsel for the defendant has stated no objection for allowing A.No.3579 of 2023.

9.This Court is satisfied with the reasons contained in the affidavit filed in support of A.No.3579 of 2023 as sufficient cause has been shown.

10.Accordingly, A.No.3579 of 2023 is allowed as prayed for.

11.Since the learned counsel for the plaintiff has not raised any objection for allowing A.No.6438 of 2023, which has been filed to condone the delay of 66 days in filing the written statement, A.No.6438 of 2023 is allowed and the written statement is taken on record.



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12.Post the matter for filing affidavit of admission/denial of documents on
08.12.2023.

01.12.2023

vga



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vga

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01.12.2023