



A. No.2558 of 2023

A. No.2558 of 2023
and
O.A. Nos.392 and 393 of 2023
and
C.S.(COMM. DIV.) No.103 of 2023

ABDUL QUDDHOSE, J.

Till date, the written statement is not placed on record before this Court. The learned counsel for the defendant submits that the written statement was filed on 26.09.2023 along with condone delay application. Neither the written statement nor the condone delay application is also placed on record. The suit summons was served on the defendant on 14.05.2023. The 120 days period for filing the written statement has already expired on 12.09.2023. Even assuming the written statement was filed as claimed by the learned counsel for the defendant on 26.09.2023, the same is filed beyond the maximum statutory period available for the defendant to file a written statement. Therefore, the right of the defendant to file the written statement has been forfeited. However, the defendant is permitted to cross examine the plaintiff's witness as and when oral evidence is let in by the plaintiff.

2. Till date, the counters filed by the defendant / respondent is also not placed on record before this Court. The applicant / plaintiff is having



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the benefit of an Interim Order passed by this Court on 21.08.2023 in O.A. Nos.392 and 393 of 2023. Since counters have not been filed in the said applications and the right of respondent / defendant to file the written statement has also been forfeited, this Court is making the interim injunction granted by this Court on 21.08.2023 as absolute and O.A. Nos.392 and 393 of 2023 are allowed as prayed for.

3. The suit has been filed for infringement of trademark and for passing-off. Since two reliefs have been sought for, the applicant has filed A. No.2558 of 2023 seeking for joinder of cause of action. No counter has also been filed in the said application.

4. This Court is satisfied with the contents of the affidavit as sufficient cause has been shown for joining the cause of action. Accordingly, A. No.2558 of 2023 is also allowed as prayed for.

5. Both the learned counsels are directed to file draft Case Management Schedule on the next hearing date.

6. Post the matter for Case Management Hearing on 09.11.2023.

19.10.2023

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