

IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 13480 OF 2024

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Kirloskar Brothers Ltd.

.. Petitioner

Versus

Kirloskar Proprietary Limited

.. Respondent

**Mr. Ravi Kadam, Senior Counsel** a/w Nishad Nadkarni, Aasif Navodia, Khushboo Jhunjhunwala, Jaanvi Chopra and Rakshita Singh i/b. Khaitan & Co. for the Petitioner.

**Adv. Rashmin Khandekar** a/w Tushar Ajinkya Sukanya Sehgal Misha Matlani & Saanchi Dhulla i/b. Think Law Advocates for the Respondent.

CORAM: B. P. COLABAWALLA &  
FIRDOSH P. POONIWALLA, JJ.  
DATE: SEPTEMBER 27, 2024

P. C.

1. The above Writ Petition is filed seeking the following reliefs:

*“A. This Hon’ble Court be pleased to issue a writ of mandamus or any other writ, order or direction in the nature thereof directing the Principal District Judge, District Court, Pune to either hear and decide the Said Application under Exhibit 93 filed in the Commercial Suit No. 40 of 2018 itself or*

*assign the same to a District Judge hearing commercial matters, within a time-bound period, and without any unnecessary adjournments and delay;*

*B. And in the meantime, pending the hearing and final disposal of the Said Application under Exhibit 93, this Hon'ble Court be pleased to direct that status quo by continuing the status of the Petitioner as Registered User of the Kirloskar Trademarks from 28<sup>th</sup> September, 2024 till the disposal of the Said Application under Exhibit 93, be maintained."*

2. Mr. Kadam, the learned Senior Counsel appearing for the Petitioner has pressed the present Petition only in terms of prayer clause (a). Mr. Kadam submitted that since the registration of the Petitioner as the Registered User of the Kirloskar Trademarks was due to expire on 28<sup>th</sup> September, 2024, the Petitioner filed an application under Exhibit 93 before the District Judge-2 (Commercial) Pune District Court, on 18<sup>th</sup> June, 2024 seeking to direct the Respondent herein (Kirloskar Proprietary Limited) to file the necessary applications before the Trade Marks Registry to renew the registration of the Petitioner.

3. The grievance made today is that even though Exhibit 93 had come up on 10<sup>th</sup> July 2024, 15<sup>th</sup> July 2024, 19<sup>th</sup> July 2024, 26<sup>th</sup> July 2024, 23<sup>rd</sup>

August 2024, 31<sup>st</sup> August 2024, 9<sup>th</sup> September 2024, 23<sup>rd</sup> September 2024, 25<sup>th</sup> September 2024 and 26<sup>th</sup> September 2024, no orders has been passed on Exhibit 93. Since the Registered User Agreement entered into with the Petitioner is to expire on 28<sup>th</sup> September, 2024, a request is made to direct the Trial Court to hear and decide Exhibit-93 as expeditiously as possible.

4. Mr. Khandekar, the learned Counsel appearing for the Respondent has fairly stated that the Respondent can have no objection if Exhibit 93 is heard expeditiously.

5. Considering the stand taken by the parties, and considering the urgency in the matter, and in the peculiar facts and circumstances of this case, we request the District Judge-2 (Commercial) Pune District Court to hear and decide Exhibit 93 for ad-interim reliefs as expeditiously as possible, and in any event, on or before 3<sup>rd</sup> October, 2024. If for any reason, the District Judge-2 (Commercial) Pune District Court is unavailable, then Principal District Judge shall assign this matter to any other Judge hearing Commercial matters who will then hear Exhibit-93 for ad-interim reliefs and decide the same on or before 3<sup>rd</sup> October, 2024.

6. We may hasten to add that we have not opined on the merits of the matter and which shall be decided by the concerned court when it hears Exhibit 93.

7. All contentions of parties are expressly kept open to be agitated before the concerned court.

8. The above Writ Petition is disposed of in the aforesaid terms. No order as to costs.

9. This order will be digitally signed by the Private Secretary/ Personal Assistant of this Court. All concerned will act on production by fax or email of a digitally signed copy of this order.

**[FIRDOSH P. POONIWALLA, J.]**

**[B. P. COLABAWALLA, J.]**