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

**INTERIM APPLICATION (L) NO. 14841 OF 2024
WITH
INTERIM APPLICATION (L) NO. 9633 OF 2023
WITH
COURT RECEIVER REPORT NO.239 OF 2023
WITH
COURT RECEIVER REPORT NO.345 OF 2023
IN
COMIP SUIT NO. 192 of 2023**

Hindustan Unilever Limited

... Petitioner

Versus

Ashok Kumar & Ors.

...Respondents

Mr.Hiren Kamod, Advocate a/w Ms. Laher Shah and Ms. Niyati Davawala, Mr. Prem Khullar, Mr. Anees Patel and Mr, Anil Shete, Advocates i/by Davawala & Shah LLP for the Plaintiffs

CORAM: FIRDOSH P POONIWALLA, J.
DATED: 8th May, 2024

P.C.

1. Mr. Kamod, learned Advocate for the Plaintiffs, submits that Defendant Nos. 5,6, and 8 have been served with the documents via Courier and Whatsapp and an attempt to serve Defendant Nos. 2,4 and 7 has been made by serving the documents via Courier. However, the same has not been delivered due to Insufficient address. He also submits that this is the last known address of the said Defendants and several attempts have been made previously to serve them with other documents as well. He submits that an Affidavit of Service has been filed online which reiterates the above.

2. The present Interim Application has been moved seeking limited directions for destruction of counterfeit goods which have been seized by the Court Receiver vide ad-interim order dated 21st April 2023 passed in Interim Application (L) No. 9633 of 2023. The seized goods are counterfeit in nature. The same can neither be allowed to be sold nor returned to the Defendants. The Defendant Nos. 2 and 5 to 8, despite being served on earlier occasions, have neither appeared before this Court nor have been represented by any Advocate. No Vakalatnama is on record on behalf of these Defendants. This matter has been decreed against Defendant No.3. Although the Advocate for the Defendant No. 4 had appeared on an earlier occasion, however, Mr.Kamod submits that since July 2023 he has not entered appearance before this Court. No prejudice would be caused to the Defendants in case the present Interim Application is taken up for hearing. In view of the above, it would be appropriate to entertain the present Interim Application and pass orders thereon.
3. Mr. Kamod states that the impugned counterfeit goods of the Defendants are currently retained in the premises of the Plaintiff as per the ad-interim order of this Court dated 21st April 2023. He submits that in view of the impugned counterfeit goods lying in the premises of the Plaintiff, the Plaintiff be granted liberty to destroy the counterfeit goods by retaining few samples for use as evidence in the Suit.
4. I am satisfied from the averments in the Interim Application as well as from the submissions of the learned Advocate for the Plaintiff that a case is made out for grant of the relief sought for in the present Interim Application. There shall, accordingly, be an order in terms of the directions mentioned hereinbelow:

- i) The Plaintiff is permitted to destroy the counterfeit goods which have been seized by the Additional Special Receiver during the execution of the ex-parte ad-interim order dated 21st April 2023 and which are currently retained in the said premises of the Plaintiffs, by retaining a few samples for use as evidence in the Suit.
- ii) The Plaintiff will take photographs of the goods that are retained and file an Affidavit annexing those photographs.
- iii) The Affidavit shall be filed by the Plaintiff within a period of sixteen weeks from the date of this order.
- iv) The office of the Court Receiver shall stand discharged without drawing up of accounts and upon payment of costs, charges and expenses to be borne by the Plaintiffs.
- v) Court Receiver Report Nos. 239 of 2023 and 345 of 2023 stand disposed of.
- v) Interim Application (L) No. 14841 OF 2024 is disposed of in these terms.
- vi) Previous orders, if any, to continue until further orders.
- vii) All concerned will act on production of a digitally signed copy of this order.

(FIRDOSH P. POONIWALLA, J.)