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

INTERIM APPLICATION (L) NO.29886 OF 2024
WITH
INTERIM APPLICATION (L) NO.7159 OF 2024
IN
COM IPR SUIT (L) NO.7055 OF 2024
AND
LEAVE PETITION (L) NO.7158 OF 2024

Hindustan Unilever Ltd.

...Applicant /
Plaintiff

Versus

M/s. Marudhar Packaging & 14 Ors.

...Defendants

Mr. Hiren Kamod, Advocate a/w Ms. Laher Shah and Mr. Anees Patel, Mr. Prem Khullar and Mr. Jayesh Kalebere, Advocates i/by Ms. Laher Shah for the Plaintiff.

CORAM : R.I. CHAGLA J.
DATE : 4TH OCTOBER, 2024.

ORDER :

1. Mr. Kamod, Learned Advocate for the Plaintiff submits that till date, after being served with the papers and proceedings during the execution of the ex-parte ad-interim order dated 7th March 2024 at the premises of the Defendants, they have neither appeared before this court by themselves, nor through their advocates. Mr. Kamod further submits that the Defendant Nos. 1 to 4 and 7 to 15 have been intimated about the present application via Whatsapp on their respective numbers which were obtained during the execution of the

ex-parte ad-interim order dated 7th March 2024 which have been continued by further Orders of this court. Also, an attempt to serve the Defendant Nos. 5 and 6 have been made via serving the documents via Courier, however the status of the same is “Item On hold Addressee cannot be located”. He also submits that these are the last known addresses of the Defendants and several attempts have been made previously to serve them with other documents as well. An affidavit reiterating the above has been tendered in Court and taken on record.

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 07th March 2024 extended vide Orders dated 30th April 2024 and 26th July 2024 under Interim Application (L) No. 7159 of 2024. The seized goods are counterfeit in nature. The same can neither be allowed to be sold nor returned to the Defendants. The Defendants, despite being served on earlier occasions, have neither appeared before this Court nor have been represented by an Advocate. No Vakalatnama is on record on behalf of the Defendants. 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 07th March 2024 extended vide Orders dated 30th April 2024 and 26th July 2024. He

submits that in view of the impugned counterfeit goods lying in the premises of the Plaintiff which is in its godown/warehouse/depot, 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 with the averments in the Interim Application as well as the submissions of the Ld. Advocate for the Plaintiff that a case is made out for grant of 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 07th March 2024 extended vide Orders dated 30th April 2024 and 26th July 2024 and which are currently retained in the said premises of the Plaintiff, 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. 282 of 2024 stands disposed of.
- vi) Interim Application (L) No. 29886 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.

[R.I. CHAGLA J.]