

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

INTERIM APPLICATION NO. 719 OF 2025

IN

COMMERCIAL IP SUIT NO. 246 OF 2023

Khimji Velji Shah

...Applicant/Plaintiff

Versus

Bharat Devji Chaudhary

...Defendant

Mr. Sharad Bansal a/w Mr. Deepak Shukla and Ms. Shweta Thakur i/b BNS
Legal, for the Applicant/Plaintiff.

CORAM : ARIF S. DOCTOR, J.

DATE : 19th NOVEMBER 2025

P.C.

1. On the previous occasion, I have passed the following order:

"1. Mr. Ranglan appearing for Defendant today seeks further time to file affidavit in reply. Learned Counsel appearing on behalf of the Plaintiff pointed out that time was originally granted to file reply on 10th January 2025 and thereafter as and by way of last chance further two weeks time was granted on 7th February 2025. Till date no such reply has been filed. Hence, in the event, the Court is inclined to grant the defendant further time to file reply, the same shall be subject to payment of costs of Rs. 15,000/-.

2. Hence, time to file reply is extended by a period of one week from today subject to payment of costs of Rs. 15,000/- to be paid to the Advocate for the Plaintiff.

3. Stand over to 19th November 2025.

4. Ad-interim relief, if any granted earlier, shall continue to operate till the next date."

2. Mr. Bansal, learned counsel for the Applicant/Plaintiff has today pointed out that the Defendant has not filed any reply affidavit-in-reply nor has the cost of Rs.15,000/- been paid. Learned counsel has further pointed out that the Defendant had on two prior occasions been granted time to file the reply affidavit and the same was not filed. It is clear, therefore, that the Defendant does not choose to contest the Interim Application by way of filing any affidavit-in-reply.

3. Mr. Bansal has today tendered a draft amendment seeking to add an additional interim prayer for infringement. The same is marked as "X" for identification and taken on record.

4. The Plaintiff is at liberty to carry out the amendment in terms of the draft amendment within a period of one week from today. Re-verification is dispensed with.

5. Amended copy to be served on the Defendant.

6. Stand over to **3rd December 2025**.

[ARIF S. DOCTOR, J.]