

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

**MEERA
MAHESH
JADHAV**

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Date: 2025.09.22
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INTERIM APPLICATION NO. 1483 OF 2024

IN

COMMERCIAL IP SUIT NO. 283 OF 2023

WITH

LEAVE PETITION (L) NO.19215 OF 2023

WITH

COURT RECEIVER REPORT NO.303 OF 2023

The Supreme Industries Limited

...Applicant/Plaintiff

Versus

Keshav Industries

...Defendant

WITH

INTERIM APPLICATION (L) NO.8749 OF 2024

IN

COMMERCIAL IP SUIT NO. 283 OF 2023

Keshav Industries

...Applicant/Plaintiff

Versus

The Supreme Industries Limited

...Defendant

Mr. Vinod Bhagat a/w Ms. Sonam Pradhan, Ms. Twisha Singh i/b Vinod Bhagat, for the Applicant/Plaintiff.

Mr. Deepak S. Bhalerao, Second Assistant to Court Receiver, present.

CORAM : ARIF S. DOCTOR, J.

DATE : 18th SEPTEMBER, 2025.

P.C.

1 The matter is on board for continuation of the ad-interim relief. Mr. Bhagat has however, drawn my attention to the fact that this Court had vide

order dated 18th July 2025 granted the Applicant/Plaintiff ex parte ad-interim relief in terms of prayer clauses (a) and (c) of the Interim Application. Mr. Bhagat, further submits that the Defendant has been duly served with a copy of the papers and proceedings as also with the ex parte ad-interim order and has in fact entered appearance and filed Interim Application (L) No.8749 of 2024 seeking to vacate the ex parte ad-interim order that has been passed. Mr. Bhagat points out that despite the order dated 19th August 2024, by which the Defendant was required to file an affidavit in reply to the captioned Interim Application within a period of two weeks, no such affidavit in reply is filed. Thus, it is his submission that the Interim Application is today unopposed.

2 It is in this factual backdrop, Mr. Bhagat has today pressed that Leave Petition, by which the Applicant/Plaintiff has sought leave of this Court under the provisions of Clause XIV of the Letters Patent to combine the cause of action of passing off with infringement, be allowed.

3 Having due regard to the submissions made by Mr. Bhagat and having noted the fact that the Defendant though served has not appeared, in my view, there is no reason why the Leave Petition ought not to be allowed. Hence, for the aforesaid reasons, Leave Petition is allowed in terms of prayer clause (a), which reads thus:

“a) That the Petitioner be granted Leave under Clause XIV of the Letters Patent of this Hon'ble Court to file the accompanying Plaint by way of a suit against the Respondent and combine the cause of action for passing off with the cause of action for infringement of its trade marks and direct that the cause of action for passing off be

tried alongwith the cause of action of infringement of trade marks in the same suit.”

4 Leave Petition is accordingly disposed of.

5 List the Interim Application for final disposal on **8th October 2025, High On Board.**

6 It is made clear that if on the next date, none appears for Defendant, the Court shall proceed to take up the interim application for final disposal. Let a copy of this order be served upon the Defendant.

[ARIF S. DOCTOR, J.]