

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

INTERIM APPLICATION (LODGING) NO. 35167 OF 2023
WITH
COURT RECEIVER'S REPORT NO. 70 OF 2024
IN
COMMERCIAL IP SUIT NO. 243 OF 2024
WITH
COMMERCIAL IP SUIT NO. 243 OF 2024

Bisleri International Private Limited

...Applicant/Plaintiff

Versus

Amriteshwar Industries Private Limited

...Defendants

- Mr. Vinod Bhagat a/w Ms. Sonam Pradhan i/b Vinod A. Bhagat, for the Applicant/Plaintiff.
- Ms. Charushila Vaidya, 2nd Assistant to Court Receiver.

CORAM : MANISH PITALE, J.

DATE : 18th MARCH, 2025.

P. C. :

1. By an order dated 20th December, 2023, this Court granted *ex-parte* ad-interim reliefs in favour of the applicant/plaintiff. The order was executed and the Court Receiver's Report is also on record.
2. Subsequently, by an order dated 09th January, 2025, this Court allowed the leave petition and also granted further ad-interim relief in terms of prayer clause (b) concerning action of passing off.
3. The application was specifically directed to be listed for hearing

and disposal.

4. It is to be noted that the defendant has failed to appear before this Court despite service and even in the backdrop of the execution of the *ex-parte* ad-interim order.

5. The learned counsel for the applicant submits that the defendant was informed by way of an e-mail with regard to listing of the instant application today for further consideration. Copy of the e-mail is taken on record and marked "X" for identification.

6. Despite notice of listing of the application today for hearing and disposal, the defendant has chosen not to appear before this Court.

7. It is evident that the defendant has chosen not to appear and oppose the claims by the applicant in the plaint as well as in the instant application. This Court is already found a strong *prima facie* case in favour of the applicant in the orders dated 20th December, 2023 and 09th January, 2025, as regards the reliefs claimed in the instant application.

8. In view of the above, the orders dated 20th December, 2023 and 09th January, 2025, are confirmed and the application is allowed in terms of prayer clauses (a) and (b).

(MANISH PITALE, J.)