

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

INTERIM APPLICATION (LODGING) NO. 21114 OF 2024
WITH
LEAVE PETITION (LODGING) NO. 20761 OF 2024
WITH
COURT RECEIVER'S REPORT NO. 356 OF 2024
IN
COMMERCIAL IP SUIT (LODGING) NO. 20379 OF 2024
WITH
COMMERCIAL IP SUIT (LODGING) NO. 20379 OF 2024

Adarsh Medicals & Anr.

...Applicants/Plaintiffs

Versus

Sunitaben Vikasbhai Bhungaliya & Anr.

...Respondents/Defendants

- Mr. Yatin Khochare a/w Mr. Atmaram Patade, Mr. Pranav Manjrekar and Mr. Suraj Naik i/b Atmaram Patade, for the Applicants/Plaintiffs.
- Mr. Hiren Trivedi (Through V.C.), for Defendants.
- Ms. Charushila Vaidya, 2nd Assistant to Court Receiver.
- Mr. Gajanan Surve, Master (Administration), Court Receiver.

CORAM : MANISH PITALE, J.

DATE : 28th APRIL 2025.

P. C. :

1. In this application, on 09th July 2024, this Court had granted *ex-parte* ad-interim reliefs in favour of the applicants/plaintiffs. The order has been executed and Court Receiver's Report is on record. The record shows that there is no reply affidavit filed in the present application. In that light, the defendants are granted last chance to file reply affidavit within four weeks from today.

2. Rejoinder affidavit, if any, be filed within two weeks thereafter.

3. The learned counsel for the applicants/plaintiffs submits that during the pendency of the present proceedings and the ad-interim order operating against the defendants, they are continuing to use the old mark, and they have also applied for registration of a changed mark, which according to the applicants/plaintiffs, still violates the intellectual property rights of the applicants/plaintiffs. In that light, it is submitted that the plaintiffs intend to file an application under Order XXXIX Rule 2A of the Code of Civil Procedure, 1908 (CPC).

4. The learned counsel for the defendants also submits that an application under Order VII Rule 10 of the CPC has been filed. It appears that copy of the same is not served on the plaintiffs. Copy of the same shall be served on the plaintiffs, even if already served upon them, within a period of two weeks from today.

5. List the Instant Application (Lodging) No.21114 of 2024 on **24th June 2025, “High on Board,”** alongwith all other pending applications in these proceedings.

6. The ad-interim order shall continue to operate until further orders.

(MANISH PITALE, J.)