

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

**INTERIM APPLICATION (L) NO. 21100 OF 2024
IN
COMMERCIAL IP SUIT NO. 66 OF 2024**

Kausar Ali Hussain Kapadia ... Applicant
Versus
Dupont Polymers Inc. & Ors. ... Respondents

**WITH
COMMERCIAL IP SUIT NO. 66 OF 2024
WITH
INTERIM APPLICATION (L) NO. 2739 OF 2024
AND
LEAVE PETITION (L) NO. 2750 OF 2024
AND
COURT RECEIVER REPORT NO. 157 OF 2024
IN
COMMERCIAL IP SUIT NO. 66 OF 2024**

Dupont Polymers Inc. ... Plaintiff/
Applicant
Versus
Global International & Ors. ... Defendants

Mr. Hiren Kamod (through V.C.) a/w Mr. Nishad Nadkarni, Mr. Aasif Navodia, Ms. Khushboo Jhunjhunwala, Ms. Jaanvi Chopra and Ms. Rakshita Singh i/by Khaitan & Co. for the Plaintiff.
Mr. M. A. Adenwala for Defendants.
Ms. Charushila Vaidya, 2nd Assistant to Court Receiver.

**CORAM: MANISH PITALE, J.
DATE : 3rd JANUARY 2025**

P.C. :

. In these proceedings, an *ex-parte* ad-interim order passed by this Court on 9th February 2024 was executed against defendant Nos.1 and 2 and products *prima facie* bearing counterfeit marks were seized and sealed at the premises of defendant Nos. 1 and 2.

2. By this application, the defendant No.2 has prayed for following relief :

a) That the Appropriate direction should be issued to the Court Receiver, High Court Bombay and Plaintiff to take physical custody of the sealed material as per inventory made on 13/04/2024 and issue appropriate receipt to the applicant acknowledging the same with the aid and assistance of the Plaintiff.”

3. The learned counsel for the applicant/defendant No.2 submits that the aforesaid prayer may be granted for the reason that the said products have been lying in a sealed condition at the premises of defendant No.1 since 13th March 2024.

4. The learned counsel for the plaintiff submits that the plaintiff is ready to take physical custody of the said products and to keep them in safe custody for future reference, during the course of the proceedings in the suit.

5. In the light of the statement made on behalf of the plaintiff, the present application can be allowed.

6. Accordingly, the Interim Application (Lodging) No. 21100

of 2024 is allowed in terms of prayer clause (a) and it is directed that the impugned products kept in sealed condition in the premises of defendant No.1 since 13th March 2024, shall be handed over to the plaintiff by defendant Nos.1 and 2 at the cost of defendant Nos.1 and 2, within a period of two weeks from today.

6. Upon such physical custody of the said products being handed over to the plaintiff, the same shall be kept in safe custody by the plaintiff.

7. The plaintiff shall issue an appropriate receipt/ acknowledgment to defendant Nos.1 and 2 upon receiving such goods.

8. The Interim Application (Lodging) No. 21100 of 2024 is disposed of.

9. The *ex-parte* ad-interim order granted earlier shall continue to operate till the next date of listing.

10. List the Interim Application (Lodging) No. 2739 of 2024 for further consideration on 5th February 2025.

MANISH PITALE, J.