

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

**INTERIM APPLICATION NO. 1681 OF 2025
WITH
COURT RECEIVER'S REPORT NO. 208 OF 2024
IN
COMMERCIAL IP SUIT NO. 80 OF 2025
WITH
COMMERCIAL IP SUIT NO. 80 OF 2025**

Innovations Garment Pvt. Ltd. ... Plaintiff
Versus
Bhavesh Ramjibhai Gada ... Defendant

**WITH
COMMERCIAL IP SUIT NO. 101 OF 2024
WITH
INTERIM APPLICATION NO. 1322 OF 2024
WITH
LEAVE PETITION (L) NO. 10751 OF 2024
WITH
COURT RECEIVER'S REPORT NO. 220 OF 2024
IN
COMMERCIAL IP SUIT NO. 101 OF 2024
WITH
COMMERCIAL IP SUIT NO. 294 OF 2024
WITH
INTERIM APPLICATION NO. 1802 OF 2025
WITH
LEAVE PETITION (L) NO. 15631 OF 2024
WITH
COURT RECEIVER'S REPORT NO. 221 OF 2024
IN
COMMERCIAL IP SUIT NO. 294 OF 2024
WITH
COMMERCIAL IP SUIT NO. 214 OF 2024
WITH**

**INTERIM APPLICATION NO. 1680 OF 2025
WITH
COURT RECEIVER'S REPORT NO. 211 OF 2024
IN
COMMERCIAL IP SUIT NO. 214 OF 2024**

Mr. Hiren Kamod a/w Mr. Prem Khullar, Mr. Aditya Chitale, Mr. Prashant Shetty i/by R K Dewan Legal Services for the Plaintiff.
Mr. M. M. Vashi, Senior Advocate, Manisha Desai i/by M/s. M. P. Vashi & Associates for Defendant.

**CORAM: MANISH PITALE, J.
DATE : 6th MAY 2025**

P.C. :

1. When the instant proceedings are called out, the learned Senior Counsel appearing for the defendants has pointed out that the applications filed in these proceedings under Order XXXIX Rule 4 of the Code of Civil Procedure, 1908 (CPC), for vacating the ad-interim order have been pending consideration for a long time. It is submitted that there is sufficient material placed on record by the defendants demonstrate that the plaintiff in these suits indulged in misrepresentation of material facts, while obtaining the *ex-parte* ad-interim orders.

2. Undoubtedly, the allegations being made by the defendants are serious in nature.

3. But, today when the proceedings are called out for consideration, the learned counsel appearing for the applicant/plaintiff in these three suits, submits that applications under Order

XXXIX Rule 2A of the CPC have been filed in the suits to demonstrate that the defendants have been willfully disobeying the ad-interim orders of this Court with impunity and in that regard, certain exhibits are also annexed to the aforesaid applications. The said interim applications bearing Interim Application (Lodging) Nos. 14427 of 2025, 14455 of 2025 and 14462 of 2025 in the three suits also raise serious issues, which need to be responded to by the defendants, for the simple reason that even if eventually the defendants are able to make out a ground to support their prayer in the applications filed under Order XXXIX Rule 4 of the CPC, it is settled law that till such time that such an ad-interim order is vacated, the defendants are supposed to abide by the same.

4. The aforesaid three interim applications filed under Order XXXIX Rule 2A of the CPC are taken on board.

5. The defendants in these suits are permitted to file their reply affidavits in the said applications, within three weeks from today. Rejoinder affidavit, if any, be filed within two weeks thereafter.

6. List all the pending applications in these proceedings for further consideration/hearing on 16th June 2025 (High on Board).

7. Needless to say, ad-interim orders shall continue to operate till the next date of listing.

MANISH PITALE, J.