

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

INTERIM APPLICATION (L) NO. 4779 OF 2024
WITH
INTERIM APPLICATION (L) NO. 4871 OF 2024
WITH
LEAVE PETITION (L) NO. 27696 OF 2024
IN
COMMERCIAL IP SUIT NO. 162 OF 2024

Apple Thermo Sanitation Pvt Ltd

...Applicant/
Plaintiff

Versus

Tenet Poly Plast (Indian National Partnership Firm)

...Defendant.

WITH
INTERIM APPLICATION NO. 1673 OF 2025
IN
COMMERCIAL IP SUIT NO. 162 OF 2024

Adv. Vinit V. Raje i/by Vikrant Raje for Applicant/Plaintiff.
Adv. Hiren Kamod and Mr. Rahul Punjabi for the Defendant.

Coram : Sharmila U. Deshmukh, J.
Date : June 10, 2025.

P. C. :

1. Learned Counsel for the Defendant submits that circulation was sought by the Plaintiff on 15th April, 2025 without notice to the Defendant and the order of 15th April, 2025 does not show appearance of the Defendant. He submits that it was therefore

not brought to the notice of the Court that an Application under Order VII Rule 10 for return of the plaint due to lack of jurisdiction had already been filed and was pending and unless the said Application was decided, the Defendant was not required to file his reply to the Interim Application.

2. In light of the above, it is made clear that as the Advocate for the Plaintiff now seeks leave to file an appropriate Application for amendment, the Application for amendment will be first decided. As issue of jurisdiction is raised the Defendant is not required to file his affidavit to the Interim Application for ad-interim relief till further order.

3. List the matter on **24th June, 2025.**

[Sharmila U. Deshmukh, J.]