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

INTERIM APPLICATION NO. 1982 OF 2025

IN

COMMERCIAL IP SUIT NO. 80 OF 2025

Innovations Garment Pvt. Ltd. ...Applicant/Plaintiff

In the Matter of

Innovations Garment Pvt. Ltd. ...Applicant

Versus

Bhavesh Ramjibhai Gada and Anr. ...Defendants

ALONGWITH

LEAVE PETITION (L) NO. 10751 OF 2024

ALONGWITH

INTERIM APPLICATION NO. 1322 OF 2024

IN

COMMERCIAL IP SUIT NO. 101 OF 2024

ALONGWITH

INTERIM APPLICATION (L) NO. 14427 OF 2025

IN

COMMERCIAL IP SUIT NO. 294 OF 2024

ALONGWITH

INTERIM APPLICATION NO. 1983 OF 2025

IN

COMMERCIAL IP SUIT NO. 214 OF 2024

ALONGWITH

INTERIM APPLICATION NO. 1681 OF 2025

IN

COMMERCIAL IP SUIT NO. 80 OF 2025

ALONGWITH
INTERIM APPLICATION NO. 1680 OF 2025
IN
COMMERCIAL IP SUIT NO. 214 OF 2024
ALONGWITH
INTERIM APPLICATION NO. 1802 OF 2025
IN
COMMERCIAL IP SUIT NO. 294 OF 2024
ALONGWITH
INTERIM APPLICATION NO. 2312 OF 2025
IN
COMMERCIAL IP SUIT NO. 80 OF 2025

Dr. Veerendra Tulzapurkar, Senior Advocate a/w Mr. Hiren Kamod, Mr. Prem Khullar, Mr. Aditya Chitale, Mr. Prashant Shetty and Mr. Saikiran Mergu i/b R.K. Dewan Legal Services for Applicant/Plaintiff.

Mr. M.M. Vashi, Senior Advocate a/w Ms. Manisha Desai i/b M.P. Vashi & Associates for Defendants in IA/1982/2025.

Mr. Deepak S. Bhalerao, 2nd Assistant to the Court Receiver present.

CORAM : ARIF S. DOCTOR, J.

DATE : 30th SEPTEMBER, 2025.

P.C.

INTERIM APPLICATION NO. 1982 OF 2025

1. The captioned Interim Application has been filed under the provisions of Order 39 Rule 2A of the Code of Civil Procedure, 1908 ("the CPC") since it is the case of the Applicant that the Respondents have acted in willful disregard and breach of the ex-parte ad-interim order dated 7th May 2024 passed by this Court.

2. Heard Dr. Tulzapurkar, Learned Senior Counsel appearing on behalf of the Applicant/Plaintiff and Mr. Vashi, Learned Senior Counsel appearing on behalf of the Respondents.

3. Dr. Tulzapurkar at the outset invited my attention to the order dated 7th May 2024 and pointed out that this Court had granted the Applicant/Plaintiff ex-parte ad-interim relief in terms of the prayer clauses (a), (b), (c) and (d) of the Interim Application (L) No. 15621 of 2024. He submits that by the said ex-parte ad-interim order the Respondents were restrained from in any manner manufacturing and selling inter alia clothes bearing the Applicant's registered trade mark. Dr. Tulzapurkar then points out that during the course of the executing the ex-parte ad-interim order the Respondents were duly served with a copy of the said order as also with a copy of papers and proceedings in the captioned Commercial IP Suit. He submits that therefore the Respondents were aware of the ex-parte ad-interim order. Dr. Tulzapurkar has also pointed out from Page No.68 of the Interim Application that during the course of execution of the ex-parte ad-interim order the Court Receiver had found that the Respondents had in their possession 400 pieces of apparels which bear the Applicant/Plaintiff's registered trade mark.

4. Dr. Tulzapurkar then pointed out that somewhere in April 2025 it came to the notice of the Applicant/Plaintiff that the Respondents were continuing to sell the apparel bearing the Applicant's registered trade mark which was in the teeth of the order dated 7th May 2024. He submitted that it

was for this purpose that the Applicant/Plaintiff had sent one of its authorized representative to the shop of the Respondents and that the said authorized representative had made a sample purchase of the apparel bearing the impugned trade mark from the Respondent's shop. Dr. Tulzapurkar pointed out that the Respondent's however refused to accept on-line payment but insisted only on cash and also did not give the proper invoice for the said purchase. Dr. Tulzapurkar then invited my attention to Exhibit "C" (Page No.70) of the Interim Application which according to him evidences the fact that the Respondents continued to sell the impugned goods bearing impugned trade mark despite ex-parte ad-interim order dated 7th May 2024. It is basis this that Dr. Tulzapurkar submits that the Respondents have willfully and deliberately acted in breach and violation of the order dated 7th May 2024.

5. Mr. Vashi, Learned Senior Counsel appearing on behalf of the Respondents has denied that the Respondents are in any manner acting or have acted in breach of the order dated 7th May 2024. He has invited my attention to the affidavit in reply filed by the Respondents and pointed out that the Respondents had specifically denied that they have sold uniform bearing impugned trade mark. Mr. Vashi also pointed out that the Applicant had not produced any credible material to substantiate the allegations of contempt. He submitted that nothing in the Exhibit "C" would indicate that the Respondents had effected any sale post the order dated 7th May 2024. He thus submitted that this Interim Application was thoroughly lacking in merit

and hence deserves to be dismissed on this ground alone.

6. I have heard Dr. Tulzapurkar at length and I also perused the material which is appended to the Interim Application and to which my attention has been invited to support the Applicant/Plaintiff's case that the Respondents are acting in breach of the ex-parte ad-interim order dated 7th May 2024. However, what I find from perusal of Exhibit "C" is that there is no date or nothing to indicate the date on which these purchases were effected. It is only the averments made in the Interim Application that these purchases were made. In fact even there is no specific date on which the Applicant/Plaintiff has stated that these purchases were made. The Interim Application only states that the Applicant/Plaintiff became aware in the last week of April 2025 that the Applicant/Plaintiff's marketing representative found that there was violation of the order dated 7th May 2024. I however find merit in Mr. Vashi's submissions that none of the material relied upon by the Applicant would show that the Respondents had effected a sale after the order.

7. Thus, in view of above fact, I find that it is not possible for me to hold that the Defendants have acted in willful breach of the ex-parte ad-interim order dated 7th May 2024.

8. Interim Application is therefore stands dismissed.

COMMERCIAL IP SUIT NO. 214 OF 2024
ALONGWITH
INTERIM APPLICATION NO. 1680 OF 2025

9. Learned Senior Counsel Mr. Vashi appearing on behalf of defendant

points out that the defendant had in fact passed away prior to the filing of the suit. He thus submits that the suit itself would have to be dismissed as it cannot be filed against any different person. He is correct in his submissions. Learned Senior Counsel Dr. Tulzapurkar fairly submits that the suit itself would have to be dismissed and with liberty to file a fresh suit. Mr. Vashi, Learned Senior Counsel for the Defendant shall inform to the Learned Advocate for the Plaintiff in the event if there are any Legal Heirs of the Defendant.

10. The suit stands dismissed.

11. Interim Applications if any, are accordingly disposed of.

INTERIM APPLICATION NO. 1681 OF 2025

12. Heard both the sides. Learned Counsel are directed to file brief notes of their arguments on or before 6th October 2025.

13. Stand over for passing orders to 13th October 2025.

14. Ad-interim relief, granted earlier to continue till the next date.

[ARIF S. DOCTOR, J.]