

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

INTERIM APPLICATION NO. 5395 OF 2025

IN

COMMERCIAL IP SUIT NO. 356 OF 2025

Alkem Laboratories Ltd

...Applicant/Plaintiff

Versus

Iheal Pharmaceutical

...Defendant

WITH

COMMERCIAL IP SUIT NO. 356 OF 2025

IN

COMMERCIAL MISCELLANEOUS PETITION NO. 35 OF 2022

Alkem Laboratories Ltd

...Applicant/Plaintiff

Versus

Iheal Pharmaceuticals

...Defendant

WITH

LEAVE PETITION (L) NO. 10593 OF 2025

Mr. Mahesh Mahadgut a/w Mr. Kaivalya Shetye, Ms. Kalyani Paunikar, for the
Applicant/Plaintiff.

Mr. Rahul Punjabi a/w Ishan Shroff, for the Defendant.

CORAM : ARIF S. DOCTOR, J.

DATE : 8th OCTOBER 2025

P.C.

1. Learned counsel today submits that there was some delay in filing the
affidavit in reply. Consequently, the affidavit in rejoinder also not been filed.

Court is informed that both reply and rejoinder are ready. The parties are directed to file the same in the Registry of this Court. Registry to accept the same.

2. Learned counsel points out that the applicants Leave Petition which is filed for Leave under Clause XIV of the Letters Patent seeking to combine the cause of action for passing off with a cause of action for infringement is pending. He submits that the Leave Petition be allowed. Learned counsel for the Defendant vary fairly does not oppose to the same.

3. Hence, Leave Petition is allowed in terms of payer clause (a) which reads thus:

“a) That leave be granted by this Hon’ble Court to the Petitioner under Clause XIV of the Letters Patent to combine the Causes of Action for passing off with the Cause of Action for infringement of Trade Mark in the proposed suit;”

4. List the Interim Application on **12th November 2025**.

(ARIF S. DOCTOR, J.)