

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

INTERIM APPLICATION NO. 2844 OF 2025
IN
COMMERCIAL IP SUIT NO. 91 OF 2023

TALLE
SHUBHAM
ASHOKRAO

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Evervital Lifesciences Private Limited ... Applicant

IN THE MATTER BETWEEN

Septalyst Lifesciences Private Limited ... Plaintiff

Versus

Evervital Lifesciences Private Limited ... Respondent

*Adv. Subhradeep Banerjee and Adv. Sudhakar Pandaram for Plaintiff.
Adv. Pramod G. Kathane and Amol A. Ghurde for the Defendant.*

Coram : Sharmila U. Deshmukh, J.
Date : July 8, 2025.

P. C. :

1. The Applicant in the present case is the Respondent and one of the reliefs sought is for transfer of the custody of the seized goods to the Applicant after removing the seal, and to permit the Applicant to dispose off the expired medicines as per the guidelines framed by Drug Authority of India.
2. Today Adv. Kathane, confines his relief only as regards the destruction of the expired medicines which were seized pursuant to the *ex parte* order passed by this Court. He submits that these medicines are required to be used six months before the expiry date as per the trade practice. He submits that during the pendency of the

Interim Application (L) No. 6179 of 2023, the medicines seized by this Court have already expired and points out to the list which is annexed at Exhibit-F. He would submit that the goods/medicines seized by the Court Receiver be released in the custody of the Applicant which would then be disposed of in accordance with the prescribed procedure.

3. The said request is opposed by learned Counsel appearing for the Plaintiff, who would submit that before the relief can be granted it would be appropriate if inspection is taken of the medicines as the pleadings cannot be taken at face value. He submits that in event the medicines have expired and are required to be destroyed the same be done under the aegis of the Court Receiver instead of handing over the same to the Applicant.

4. As there is specific pleading that the medicines have expired, the same would be hazardous and if for any reason whatsoever the same finds its way in the market, by any fraudulent means, the consequence would be drastic. As it is claimed that the medicines have expired, the appropriate course would be to destroy the medicines after retaining the samples for purpose of trial. For the said purpose an inventory can be taken of the medicines in order to determine the authenticity of the pleadings in the Application.

5. The goods are seized at the Defendant's location at Indore, Madhya Pradesh and Kalyan. As far as the Kalyan location is concerned

the Court Receiver can visit the location where the seized goods are kept and make an inventory along with representative of the Plaintiff and representative of the Defendant.

6. As far as location at Indore, Madhya Pradesh is concerned Mr. Ajinkya S. Pandere is appointed as Additional Special Receiver for the purpose of carrying out the same exercise in the presence of Defendant's representative. The contact details of Additional Special Receiver are as under:

Name	Mr. Ajinkya S. Pandere
Address	Prime House, 503/A, Sec 3, Plot 55A, Karanjade, Panvel 410206
Mobile No.	+91 9029102374
Email ID	asplegal8@gmail.com

7. The cost of the ASR is fixed at Rs. 35,000/- per day which is to be borne by the Defendants. Let the exercise be carried out within a period of two weeks.

8. Learned Counsel for the parties to co-ordinate as far as the inspection is concerned. List the matter on **22nd July, 2025** (Directions).

9. All concerned to act upon copy of this order digitally signed by the Personal Assistant of this Court.

[Sharmila U. Deshmukh, J.]