



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

INTERIM APPLICATION NO. 6730 OF 2025
IN
COMMERCIAL IP SUIT NO. 169 OF 2025

Hindustan Unilever Limited

...Applicant/Plaintiff

Versus

Vikesh Kumar and Others

...Respondents/Defendants

*Mr. Hiren Kamod, Ms. Niyati Davawala, Mr. Anil Shete i/b Niyati Davawala for
Applicant/Plaintiff.*

Coram : Sharmila U. Deshmukh, J.

Date : 2nd December, 2025.

P. C. :

1. This is Court is informed that the Plaintiff has already settled the matter with Defendant No. 9, 13-18, 21-24, 26, 28-30, 36-40 and 43.
2. Interim Application has been preferred by the Plaintiff seeking permission to the Plaintiff to destroy the infringing goods bearing the counterfeit marks which are seized by the Court Receiver as mentioned in the Court Receiver's Report No. 496 of 2023 by removing the seal and retaining few samples of each of the goods for the purpose of trial.
3. Mr. Kamod, learned Counsel appearing for the Plaintiff tenders

the affidavit of service evidencing service upon the Defendants who are the manufacturers of the infringing goods.

4. The Application specifically pleads that counterfeit goods were seized from the Defendants' premises by making inventory and are kept in the Plaintiff's premises on *superdari*. The inventory of said goods are set out at Pages 4, 7, 14, 19, 22, 25, 32, 35, 38, 41, 44, 72, 75, 97, 106, 126, 129, 132, 135, 138, 152, 155, 157, 178 of the compilation of ASR's report. The goods seized include the gunny bags packed with counterfeit products, packaging rolls, machine, cylinders, bottles, stickers and other goods having limited shelf life. Mr. Kamod would submit that these products are otherwise of substandard quality and are deteriorating emanating foul odour making it unviable to keep them stored for long period of time as it may pose health hazard at storage place. He submits that no purpose would be served by preserving counterfeit products and for the purpose of trial, a few samples can be retained by making fresh inventory.

5. After execution of commission, no reply has been filed by the Defendants. The action was initially in the nature of John Doe action and subsequently the Defendants were identified, who are the manufacturers.

6. Considering the limited shelf life of the products, which are even otherwise counterfeit, and are of substandard quality, no purpose will

be served by keeping the seized goods in custody till the hearing and final disposal of suit. For the purpose of trial, few samples of the goods so seized can be retained by making a fresh inventory.

7. The commission was executed at several locations and the goods were seized which are substantial in number. The goods having limited shelf life, are already deteriorating and as the same are counterfeit, destruction is the only option.

8. In the light of above, Interim Application is allowed by permitting the Plaintiff to de-seal the infringing goods and destroy the same by making a fresh inventory of destroyed goods and fresh inventory of the retained samples.

9. Fresh inventory of the destroyed goods to be filed in this Court within a period of four weeks from today.

10. The Court Receiver stands discharged without passing off accounts. All costs, charges and expenses of the Court Receiver to be paid by the Plaintiff within a period of 8 weeks of demand being raised by the Office of the Court Receiver

[Sharmila U. Deshmukh, J.]