

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

INTERIM APPLICATION NO. 3130 OF 2025
IN
COMMERCIAL MISCELLANEOUS PETITION(L) NO. 255 OF 2022

Starlinger And Co Gesellschaft MBH ...Applicant
Versus
The Controller General Of Patents Designs
Through The Patent Office ...Respondent

Mr. Vijay Hiremath for the Applicant.

Mr. D.P. Singh for Respondent No.1

Mr. Jehaan Mehta (Through VC) a/w rupa Shaw i/b S. Venkateshwar and Kunal Kanugo for Respondent No. 2.

CORAM : **ARIF S. DOCTOR, J.**
DATE : **21st JANUARY, 2026**

P.C.

1. The present Interim Application seeks restoration of the captioned Commercial Misc. Petition, which came to be dismissed by common Order dated 13th January, 2025 for non-removal of office objections.

2. The Interim Application is opposed by Respondent No. 2 on the ground that the Petitioner has not shown sufficient cause seeking restoration, I am unable to agree. A perusal of the Interim Application in my view makes out a case of sufficient cause for restoration. As per Order dated 13th January, 2025, the objections were to be complied with on or before 10th February, 2025 and

the Applicant was not aware of this common order, since on the previous occasion the matter though on lodging number, had been listed on several occasions and pleadings were also completed. He submits that, it is only in the month of February, 2025, when the Advocate for the Applicant –Petitioner tried to circulate the matter for hearing, that the Applicant became aware of the common Order dated 13th January, 2025, after which the Applicant has filed the present Interim Application.

3. Thus in my view sufficient cause for restoration has been shown, furthermore, the substantive interest of justice would require me to allow this Application to enable the Petition to be heard on merits. Hence the contention that no sufficient cause has been shown is wholly lacking in merits. The Interim Application is allowed in terms of prayer clause ‘a’.

4. The objections to be complied with within a period of one week from today.

5. Stand over to 11th February, 2026 for hearing.

[ARIF S. DOCTOR, J.]