

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

INTERIM APPLICATION NO. 7436 OF 2025

IN

COMMERCIAL IP SUIT (L) NO. 21306 OF 2023

Sukh Sagar ...Applicant

In the matter between:

Sukh Sagar ...Plaintiff

Versus

Sukh Sagar Juice Centre ...Defendant

WITH

INTERIM APPLICATION NO. 7648 OF 2025

IN

COMMERCIAL IP SUIT (L) NO. 21306 OF 2023

Mr. Chinmay Page i/b Muralidhar Khadilkar, for the Applicant in both IA's.

CORAM : ARIF S. DOCTOR, J.

DATE : 27th JANUARY, 2026

P.C.

INTERIM APPLICATION NO. 7648 OF 2025

1. The present Interim Application seeks restoration of the suit, which came to be dismissed for non-removal office objections by virtue of a common order dated 24th February 2025.

2. Mr. Page, learned counsel appearing on behalf of the Applicant has placed reliance upon an affidavit of service of one Govind Wod, dated 23rd January 2026. A perusal of the said affidavit satisfactorily sets out that the Defendant has been served with the copy of the Interim Application.

3. Since the Defendant was using the name Sukh Sagar Juice Centre, which according to the Plaintiff, was infringing the Plaintiff's trade mark. He submits that after the filing of the suit, the Defendant has changed the name to Shri Sagar, with which the Plaintiff has no objection. He submits that the parties had also drawn up the consent terms but given that the suit was dismissed, the consent terms remain to be filed. It is in these circumstances that today restoration of the suit is sought for to enable the parties to file the consent terms.

4. Having heard learned counsel and having perused the Interim Application, I find that the Applicant has shown sufficient cause for condonation of delay.

5. Furthermore, in my view, the substantive interest of justice would best be served if the delay is condoned and the dispute is put at rest by the filing of the consent terms. Furthermore, the Defendant, though served has today chosen not to appear. Hence, I find no reason why the Interim Application should not be allowed.

6. The Interim Application is accordingly allowed in terms of prayer clauses (a) and (b).

7. Learned counsel for the Applicant submits that he shall intimate to the Defendant of the next date of hearing.

8. The suit is accordingly restored. Stand over to **5th February 2026** for filing consent terms.

[ARIF S. DOCTOR, J.]