

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

INTERIM APPLICATION NO. 8209 OF 2026
IN
COMMERCIAL IP SUIT NO. 2 OF 2009

Tilaknagar Industries Limited ...Applicant

IN THE MATTER BETWEEN

Herman Jansen Beverages Netherland B. V. And Ors. ...Plaintiffs

Versus

Tilaknagar Industries Limited ...Defendant

Mr. Priyank Kapadia a/w Ms. Laxmi Jenkins, Ms. Sayali Shinde i/b LMJ Law Practice, for the Plaintiff.

Mr. Venkatesh Dhond a/w Mr. Rohan Kelkar, Mr. Ashwin Bhadang, Mr. Manvendra Kane, Mr. Ashutosh Kane, Ms. Vedangi Soman i/b W.S. Kane & Co., for the Defendant.

CORAM : SHARMILA U. DESHMUKH, J.
DATE : April 29, 2026

P. C. :

1. Interim Application has been preferred seeking permission to file additional written statement. It is contended that the Defendant had duly filed its written statement to the suit and had also filed its counter claim. By amendment to the plaint in the year 2017, it was contended that vide deed of assignment, Plaintiff Nos. 1 and 2 assigned 50% of the right, title and interest to the Plaintiff Nos. 3 and 4, who were then added as co-Plaintiffs and consequential amendment was carried out.
2. Mr. Dhond would submit that the present additional written

statement is in response to the amendment which was carried out in the plaint. He would further submit that due to unavoidable circumstances, additional written statement could not be filed immediately after the amendment and has been filed belated.

3. Mr. Kapadia, learned counsel for the Defendant would oppose the Application and would submit that in the absence of any satisfactory explanation for the delay of almost eight years in filing of the additional written statement, leave should be refused.

4. Additional written statement is filed to the amendment which was carried out by the Plaintiff. The right of the Defendant to file additional written statement cannot be denied, however, it is the aspect of delay which is significant in as much as after a period of almost eight years, the application had been taken out for filing the additional written statement. In my view, the interest of justice would be met by imposing cost for the delayed filing of the additional written statement.

5. In light of the above, additional written statement is permitted to be taken on record, subject to cost of Rs. 1,00,000/- to be paid to the Tata Memorial Hospital within a period of 2 weeks from today.

6. Interim Application is allowed in the above terms.

[SHARMILA U. DESHMUKH, J.]