



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

APPEAL FROM ORDER NO. 22 OF 2026

SALMAN MOMIN @ SALMAN IQBAL AHMAD MOMIN AND OTHERS
VS
APSARA CHEMICALS PVT. LTD., NAGPUR AND ANOTHER

Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.

Court's or Judge's Orders.

Mr. A.A. Naik, Senior Advocate a/by Mr. R.P. Masurkar,
Advocate for appellants.

CORAM : PRAFULLA S. KHUBALKAR, J.

DATE : 22.04.2026

Heard learned Senior Counsel for the
appellants.

2. The appellants' challenge is to order dated 27.03.2026 passed by the learned District Judge – 15, Nagpur, below Exhibit (1) in Suit Trade Mark Case No.6/2024.

3. Learned Senior Counsel for the appellants submits that the respondent has filed a suit alleging infringement of trade mark and passing off. The suit has proceeded exparte against the defendants (appellants herein). The plaintiff had also filed a separate application at Exhibit 28 under Section 94, Order XXXIX Rules 1 &

2 of the Code of Civil Procedure, seeking temporary injunction. Since the suit was proceeded *exparte* against the appellants/defendants, they had moved an application for setting aside the *exparte* order at Exhibit 36 and by a separate application at Exhibit 35, a prayer was made to set the aside the 'No Say Order'.

4. It is pointed out that by orders dated 10.02.2026 on Exhibit 35 & 36 both these applications were allowed subject to costs of Rs.100/- per day, however, the orders were not uploaded on the website immediately and it is pointed out that the digital signature on the order bears date as 30.03.2026. It is, therefore, submitted that since the orders were not uploaded on the website, the appellants/defendants were not in a position to comply with the orders and file their written statement on record.

5. Under these circumstances, on 27.03.2026 the trial Court passed an order at Exhibit 1 and by observing that since the defendants (appellants herein) have not complied with the orders dated 10.02.2026 passed on applications at Exhibit 35 and 36, granted interim protection in favour of the plaintiff as per Clause (A) of the prayer clause of application for temporary injunction at Exhibit 28. It is also pointed out that this order is also uploaded with the digital signature bearing date as 30.03.2026. It is submitted that the application for

temporary injunction at Exhibit 28 is not yet decided and it is listed for further hearing on 10.06.2026. As a result of the order dated 27.03.2026, an interim protection is granted and the appellants are now restrained from carrying out their business, which they are carrying out on the basis of an independently registered trade mark.

6. In view of these contentions, issue notice to the respondents, returnable on 29.04.2026.

7. The appellants are permitted to serve the respondents by all permissible modes, in addition to regular mode of service, including service on the learned Advocate appearing on behalf of the respondent/s before the trial Court and file affidavit of service in that regard by next date.

(Prafulla S. Khubalkar, J.)