

**ORDER BELOW EXH. 5 IN CIVIL SUIT NO.1/2025**  
**(CNR NO. MHPU140025392025)**  
**(PASSED ON : 05/12/2025)**

1. Perused the application, plaint and documents accompanied with it. Heard the learned counsel for plaintiff.
  
2. It is submitted that plaintiff developed an aesthetical design of Self Unloading Semi Trailer of 13.2 feet trailer and 14 feet trailer. Plaintiff got registered the same with the concerned authority and obtained the registration certificate about the same. Therefore, plaintiff is having exclusive right over the said design. However, defendant is trying to sell the Self Unloading Agricultural Trailer, which is virtually identical to the design of the plaintiff, within the jurisdiction of this court. Action of the defendant is violative of the rights of the plaintiffs and the same may cause huge financial loss to the plaintiff. Hence, it is prayed to issue ad-interim ex-parte injunction.
  
3. In *Laxmikant Patel Vs. Chetanbhai Shah* reported in *(2002) 3 SCC 65* Hon'ble Apex Court held that once a case of passing off is made out the practice is generally to grant a prompt ex-parte injunction followed by appointment of local commissioner.
  
4. In the present matter, plaintiff has produced on record copies of registration certificates regarding designs of his product. Moreover, plaintiff has also produced on record copy of quotation sent by the defendant to its prospective customers within the

jurisdiction of this court. Furthermore, perusal of design of Self Unloading Agricultural Trailer *prima facie* shows that it is identical to the registered design of the Self Unloading Agricultural Trailer of the plaintiff. Therefore, it can be *prima facie* said that plaintiff has made out *prima facie* case regarding infringement of his copyright. In these circumstances, if the infringement of the copyright of the plaintiff in respect of registered design of Self Unloading Agricultural Trailer at the hands of defendant is not restrained by way of ad-interim ex-parte injunction, it may cause serious prejudice to the rights of the plaintiff. In these circumstances, refusal of ex-parte ad-interim injunction would involve greater injustice than the grant of it would involve. Therefore, it is clear that delay in grant of injunction will defeat the purpose of granting the injunction. Therefore, it is clear that plaintiff has made out *prima facie* case and balance of convenience lies in his favour.

5. In view of aforesaid facts and circumstances of the case as well as ratio laid down in the authorities cited supra, with a view to secure the interest of both the parties, to avoid multiplicity of proceeding and to preserve the subject matter of the suit, it will be just and reasonable to grant ex-parte ad-interim temporary injunction in the matter. Moreover, no prejudice will be caused to the defendant, if the order of ex-parte ad-interim temporary injunction is passed till the appearance and filing of reply by defendant. Hence, I pass the following order :

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**ORDER**

1. Issue ex-parte ad-interim injunction in the terms of prayer clause 35(a) to 35(c) as specified in the present application till it appear and file its reply to the application for temporary injunction.
2. Issue show cause notice to the defendant as to why ex-parte injunction should not be continued till further order or specified time, returnable on 12/12/2025.
3. Special bailiff is allowed, on EPF, if available.
4. The plaintiff shall comply with the provisions of Order 39 Rule 3(a) of the Code of Civil Procedure, 1908.

Baramati  
Date :- 05.12.2025

**(Hitendra Urmila Anilkumar Wani)**  
District Judge -3, Baramati