

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

NOTICE OF MOTION NO. 312 OF 2017
IN
COMMERCIAL IP SUIT NO. 376 OF 2017

Siyaram Silk Mills Limited

...Petitioner/Plaintiff

Versus

Cosvate Siyaram Textiles Pvt. Ltd. & Ors.

...Defendants

- Mr. Rashmin Khandekar, Mr. Minesh Andharia, Mr. Jay Shah i/by Krishna & Saurastri Associates LLP, for Petitioner/Plaintiff.
- Mr. Hiren Kamod, Mr. Mahesh Mahadgut, Mr. Prem Khullar, Ms. Poonam Teddu, Mr. Kaivalya Shetye i/by M.A. Mahadgut, for Defendants.

CORAM : MANISH PITALE, J

DATE : 10th APRIL, 2023.

P. C. :

1. By order dated 15th March, 2023, this Court granted time till 24th March, 2023, for filing additional affidavit on record. It was made clear that no further time would be granted.

2. Today, when the learned Counsel appearing for the Applicant/Plaintiff intended to commence the arguments, it came to light that the additional affidavit was not on record. The learned Counsel appearing for the Defendants submitted that additional affidavit was indeed filed on 24th March, 2023. The relevant document revealed that the additional affidavit was actually filed beyond 04.00 p.m. and hence the Registry has raised objections about the additional affidavit having been filed in a delayed manner.

3. As a consequence, the additional affidavit is not on record, while a copy of the same was served on learned Counsel appearing for the Applicant/Plaintiff.

4. This Court indicated that the application would be heard without referring to the additional affidavit, when the learned Counsel for the Defendants submits that it would be in the interest of justice, that the additional affidavit is taken on record so that the Defendants can be make comprehensive submissions in the matter.

5. In the light of the above, the Registry is directed to take the additional affidavit of the Defendants on record, subject to payment of costs of Rs. 5,000/-, to be paid to Kirtikar Library, within one week from today. The details of the Bank Account are as follows :

Kirtikar Law Library

Saving Bank Account No. 000110110012632

Bank : Bank of India, Branch : Mumbai main

IFSC Code : BKID0000001, MICR Code : 400013087

6. The Applicant/Plaintiff may file its additional affidavit, if any, within one week thereafter.

7. List for further consideration on **26th April, 2023**, to be included in the “supplementary list”

(MANISH PITALE, J.)