

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

COMMERCIAL MISCELLANEOUS PETITION NO.27 OF 2022

Samata Lok Sansthan Trust ... Petitioner
vs.

Institute for Technology and Management & anr. ... Respondents

WITH

COMMERCIAL MISCELLANEOUS PETITION NO.105 OF 2022

WITH

COMMERCIAL MISCELLANEOUS PETITION NO.104 OF 2022

WITH

COMMERCIAL MISCELLANEOUS PETITION NO.120 OF 2022

WITH

COMMERCIAL MISCELLANEOUS PETITION NO.117 OF 2022

WITH

COMMERCIAL MISCELLANEOUS PETITION NO.152 OF 2022

WITH

COMMERCIAL MISCELLANEOUS PETITION NO.59 OF 2022

WITH

COMMERCIAL MISCELLANEOUS PETITION NO.543 OF 2022

WITH

COMMERCIAL MISCELLANEOUS PETITION NO.875 OF 2022

WITH

COMMERCIAL MISCELLANEOUS PETITION NO.880 OF 2022

WITH

COMMERCIAL MISCELLANEOUS PETITION NO.890 OF 2022

WITH

COMMERCIAL MISCELLANEOUS PETITION NO.901 OF 2022

WITH

COMMERCIAL MISCELLANEOUS PETITION NO.909 OF 2022

WITH

COMMERCIAL MISCELLANEOUS PETITION NO.926 OF 2022

WITH

COMMERCIAL MISCELLANEOUS PETITION NO.927 OF 2022

WITH

COMMERCIAL MISCELLANEOUS PETITION NO.932 OF 2022

WITH

COMMERCIAL MISCELLANEOUS PETITION NO.1296 OF 2022
WITH
COMMERCIAL IP SUIT NO. 102 OF 2015
WITH
LEAVE PETITION NO. 211 OF 2015
WITH
LEAVE PETITION NO. 228 OF 2015
WITH
NOTICE OF MOTION NO. 512 OF 2016
WITH
NOTICE OF MOTION NO. 33 OF 2015
IN
COMMERCIAL IP SUIT NO. 102 OF 2015

Mr. Hiren Kamod a/w. Mr. Nishad Nadkarni, Mr. Aasif Navodia, Ms. Khushboo Jhunjhunwala, Ms. Jaanvi Chopra and Ms. Rakshita Singh i/b. Khaitan & Co. for petitioner/defendant.

CORAM : MANISH PITALE, J.
DATE : 27th FEBRUARY, 2025

P.C. :

. In these proceedings, 17 rectification petitions are listed alongwith a suit filed by the original plaintiff against the petitioner in the rectification petitions.

2. None for the plaintiff. On the last date of hearing also, there was no representation on behalf of the plaintiff.

3. The rectification petitions of the petitioner i.e. the defendant in the suit, can be taken up for consideration by this Court, after an appropriate issue is framed in the suit, as per the law laid down by the Supreme Court in the case of *Patel Field Marshal Agencies and another vs. P. M. Diesels Limited and others* [(2018) 2 SCC 112].

4. It appears that on earlier occasions also, the suit had been dismissed in default. But, it was subsequently restored. It is evident that the pendency of the suit is leading to the pendency of the rectification petitions also.

5. In view of the above, the plaintiff i.e. respondent in the rectification petitions is given one last opportunity to appear before this Court in these proceedings. It is made clear that if there is no appearance on behalf of the plaintiff in these proceedings on the next date of listing also, this Court would be constrained to dismiss the suit, so that the rectification petitions filed by the petitioner, can be taken up for consideration.

6. List under the caption “for directions” on 17.03.2025 High on Board.

(MANISH PITALE, J)

Priya Kambli