

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

**INTERIM APPLICATION (L) NO. 13127 OF 2024
WITH
INTERIM APPLICATION (L) NO. 8627 OF 2025
IN
INTERIM APPLICATION (L) NO. 24015 OF 2025
WITH
COURT RECEIVER REPORT NO. 157 OF 2025
WITH
LEAVE PETITION (L) NO. 23641 OF 2023
IN
COMMERCIAL IP SUIT NO. 266 OF 2025
WITH
COMMERCIAL IP SUIT NO. 266 OF 2025**

Aabid Paper Cones ... Applicant/
Plaintiff

Versus

Mohd Azhar & Anr. ... Defendants

**WITH
INTERIM APPLICATION (L) NO. 7980 OF 2024
WITH
INTERIM APPLICATION (L) NO. 8247 OF 2024
WITH
INTERIM APPLICATION (L) NO. 8719 OF 2024
WITH
INTERIM APPLICATION (L) NO. 13268 OF 2024
WITH
INTERIM APPLICATION (L) NO. 13397 OF 2024
IN
COMMERCIAL IP SUIT NO. 266 OF 2025**

Mr. Hiren Kamod a/w Prem Khullar i/by Valmiky H. Narvekar for
the Applicant/Plaintiff.

Mr. Pravin Singh a/w Mr. Ankit Jain, Mr. Javaid Muzaffar and Ms.

Nandini Durgesh for Defendants.

Ms. Charushila Vaidya, 2nd Assistant to Court Receiver.

CORAM: MANISH PITALE, J.

DATE : 7th APRIL 2025

P.C. :

. In pursuance of order dated 24th March 2025, the Court Receiver has submitted report bearing No. 157 of 2025. This report contains the two reports of the Additional Special Receivers, who executed the order of this Court.

2. The Court Receiver's Report does not annex the photographs that form part of two reports of the Additional Special Receivers. Therefore, the Court Receiver is directed to file a supplementary report, placing on record not only the two reports of the Additional Special Receivers but also photographs annexed thereto. Copies of the supplementary report shall be made available to the Advocates representing the rival parties. The said exercise shall be completed within one week from today.

3. The learned counsel appearing for the applicant/plaintiff tendered copies of the reports of the two Additional Special Receivers along with photographs annexed thereto and made certain submissions to the effect that the respondent/defendant had indulged in acts that would further demonstrate the contumacious conduct of the respondent.

4. The learned counsel appearing for the respondent/defendant submitted that a reply affidavit is already placed on record in the

present application i.e. Interim Application (Lodging) No. 8627 of 2025. It appears to have been e-filed and approved, but the same is not shared with the Court. The Registry is directed to ensure that reply affidavit is shared on the next occasion. Nonetheless, a copy of the reply affidavit was made available to this Court. Upon referring to the same and certain documents filed therewith, a submission was made on behalf of the respondent that the plaintiff has misled this Court and while executing orders of this Court, some third party premises have been raided and the blame is wrongly placed on the respondent/defendant herein. It is specifically asserted in the reply affidavit that no transactions have been undertaken by the respondent, as his shop was closed after 6th February 2024 and even the GST number of the respondent was suspended on 17th December 2024. It is further submitted that even the current account of the respondent has been frozen.

5. It is to be noted that in the reply affidavit numerous contentions have been raised on the merits of the matter, while the explanation for the conduct of the respondent is conspicuous by its absence. It appears that the respondent is harping upon contentions on merits and other contentions raised in various applications filed on behalf of the said respondent before this Court, without dealing with the serious allegations made in the instant application and even in the earlier application filed under Order XXXIX Rule 2A of the Code of Civil Procedure, 1908.

6. In any case, there is no reference and response in respect of

the Court Receiver's Report, particularly the observations made by the two Additional Special Receivers. Perhaps because the entire report along with photographs was not available with the respondent, detailed response to the Court Receiver's Report and the reports of two Additional Special Receivers is not found in the affidavit in reply.

7. Considering the serious allegations made against the respondent in the said report, it would be appropriate that further opportunity is granted to the respondent to file an additional affidavit in reply, so as to specifically respond to the Court Receiver's Report, which contains the two reports of the Additional Special Receivers. The respondent is to ensure that in the additional affidavit in reply, the focus is on the allegations of willful disobedience of the orders of this Court rather than submissions made on merits. This is because in the present application, this Court is concerned with serious allegations pertaining to the willful disobedience and violation of orders of this Court.

8. The additional affidavit in reply shall be filed on behalf of the respondent within two weeks from today. No further time shall be granted. An advance copy shall be served on the Advocates for the applicant/plaintiff.

9. In pursuance of the specific direction contained in the order dated 24th March 2025, the respondent Mr. Mohd. Azhar is

present in Court and he undertakes to remain present in Court on the future dates of hearing in the present proceedings, as directed by this Court. Accordingly, he shall remain present in this Court on the next date of listing.

10. List for further consideration on 28th April 2025, at Serial No.1 in the cause list.

MANISH PITALE, J.