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

COURT RECEIVER'S REPORT NO.128 OF 2023
WITH
INTERIM APPLICATION NO.848 OF 2024
IN
COM IPR SUIT NO.177 OF 2023

Lallubhai Amichand Ltd.

...Plaintiff

Versus

Absolink Enterprises Pvt. Ltd. and Ors.

...Defendants

Raghav Gupta with Siddharth Kale i/b. Wadia Ghandy and Co. for
the Plaintiff.

Tejas Popat with Anuja Bhansali and Abhyarthana Singh i/b.
Rashmikant and Partners for the Defendants.

Charushila Vaidya, 2nd Asstt. To Court Receiver with Gajanan Surve,
Section Officer are present.

CORAM : R.I. CHAGLA J.
DATE : 19TH JULY, 2024.

ORDER :

1. By this Court Receiver's Report direction has been sought
with regard to the premises of the Defendants i.e. Plot No.122, Kamal
Estate, Near Bombay Conductor, Vatva, Gujarat which was locked and
sealed by the representative of Court Receiver and the keys are with

the Officer of the Court Receiver. Further, direction is sought with regard to providing password / login id of computer and mobile and laptop and CPU which is sealed in possession of the Court Receiver and kept in the premises of the Plaintiff.

2. The second Assistant to Court Receiver informs this Court that the direction sought in prayer Clause (b) of the Court Receiver's Report has already been issued and computer, mobile, laptop and CPU have been unsealed and handed over to the Defendant. Accordingly, the direction sought in Clause (b) does not survive and hence it is not considered.

3. By the order dated 3rd July, 2023, this Court had set aside the exparte ad-interim order dated 5th April, 2023 under Order XXXIX Rule 4 of the Code of Civil Procedure, 1908. However, the aforementioned premises of the Defendants is still in possession of the Court Receiver. These are licensed premises and the Defendants as licensees and are required to handover the licensed premises to the owner in view of expiry of license period.

4. In view thereof, the Court Receiver is directed to

handover possession to the Defendants by handing over the keys of the aforementioned premises of the Defendants i.e. Plot No.122, Kamal Estate, near Bombay Conductor, Vatva, Gujarat. The Court Receiver has in the Report mentioned that there was no infringing material found in the said premises.

5. The learned Counsel appearing for the Defendants has sought directions with regard to the certain files which the Defendants claim belonged to them and which are in the premises of the Plaintiff and sealed by the Court Receiver.

6. In so far as these files are concerned, at this stage, possession cannot be handed over to the Defendants. The Court Receiver shall in the presence of the Plaintiffs provide inspection to the Defendants of these files and permit the Plaintiffs and Defendants to take copies of these files.

7. The Court Receiver shall provide the inspection and copies of these files at the costs of the Plaintiffs and Defendants respectively within a period of two weeks from today.

8. The Court Receiver shall upon providing inspection and copies of the files to the Plaintiffs and Defendants seal the files.

9. The Court Receiver's Report No.128 fo 2023 is accordingly disposed of.

10. The Court Receiver is discharged without passing of accounts and upon payment of costs, charges and expenses to be borne by the Plaintiff.

11. Interim Application has already been placed on 7th August, 2024 at 2.30 p.m. which date shall remain.

[R.I. CHAGLA J.]