

Kavita S.J.

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

**INTERIM APPLICATION NO. 848 OF 2024
IN
COMMERCIAL IPR SUIT NO. 177 OF 2023**

Lallubhai Amichand Ltd.

...Applicant/Plaintiff

Versus

Absolink Enterprise Pvt. Ltd. & Ors.,

...Defendants

Mr. Zal Andhyarujina, Senior Counsel a/w Mr. Karl Tamboly a/w Ms. Maithili Parekh and Mr. Siddharth Kate i/b Wadia Ghandy & Co., for Applicant/Original Plaintiff.

Mr. Tejas Popat a/w Ms. Anuja Bhansali i/b M/s Rashmikanth and Partners for Defendants.

CORAM : R.I. CHAGLA, J.

DATED : 22nd NOVEMBER, 2024.

ORDER :

1. By the previous Order dated 16th October, 2024, this Court had noted the statement of the Counsel for the Defendants that an Application had been taken out under Order XXXIX Rule 11 of the Code of Civil Procedure, 1908 (“CPC”) and to which, the Plaintiff was directed to file their Affidavit-in-Reply.

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2. Mr. Andhyarujina, learned Senior Counsel for the Plaintiff has sought extension of time to file Affidavit-in-Reply on behalf of the Plaintiff to the Interim Application No.1823 of 2024 taken out by Original Defendants which is under Order XXXIX Rule 11 of the CPC.

3. Extension of time is granted.

4. The Affidavit-in-Reply shall be filed by the Plaintiff on or before 26th November, 2024.

5. The learned Counsel appearing for the Defendants has sought time to file Affidavit-in-Rejoinder thereto.

6. The Defendants shall file their Affidavit-in-Rejoinder thereto on or before 9th December, 2024.

7. The Defendants were also by Order dated 3rd July, 2024 directed to file their additional Affidavit-in-Reply to the present Interim Application on merits. By this order, the ex-parte ad-interim order passed by this Court had been vacated. The Court Receiver was directed to stay its hands other than returning the hardware which belongs to the Defendants within a period of one week from the date of said order. It is

the contention of the learned Counsel for the Defendants that they had no access to the server of the Plaintiff and hence, expressed difficulty in filing the additional Affidavit-in-Reply to the Interim Application on merits.

8. Considering this position and directions of this Court, the Defendants shall file the additional Affidavit-in-Reply to the Interim Application on merits by placing reliance on whatever material they have in their possession and by raising such grievance.

9. The Defendants shall file their additional Affidavit-in-Reply to the Interim Application on or before 16th December, 2024.

10. The Plaintiffs is at liberty to file Affidavit-in-Rejoinder thereto on or before 7th January, 2025.

11. The present Interim Application shall be placed alongwith Interim Application taken out by the Defendant under Order XXXIX Rule 11 of the CPC being Interim Application No.1823 of 2024 on 10th January, 2025 at 2.30 p.m.

[R.I. CHAGLA, J.]