

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

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

Lallubhai Amichand Limited

...Applicant/Plaintiff

Versus

Absolink Enterprise Private Limited

...Respondent/Defendant

WITH
INTERIM APPLICATION N. 1823 OF 2024
IN
COMMERCIAL IP SUIT NO. 177 OF 2023

- Mr. Karl Tamboly a/w Ms. Maithali Parikh and Mr. Siddharth Kate i/b Wadia Ghandy and Co., for the Applicant/Plaintiff.
- Mr. Tejas Popat a/w Ms. Abhyarthana Singh and Mr. Sahil C. for Respondent Nos.1 and 2.

CORAM : MANISH PITALE, J.

DATE : 22nd APRIL 2025.

P. C. :

1. In this application, on 22nd November 2024, this Court (*Coram : R. I. Chagla J.*) had recorded that the defendants shall file their additional affidavit in reply to the interim application on merits by placing reliance on whatever material they have in their possession and they may raise a grievance about their difficulty in filing a comprehensive additional reply on the ground that they could not have access to the server of the plaintiff. Such an additional affidavit in reply was not filed and thereafter on 10th January 2025, when the application came up for consideration, the defendants were granted

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time till 31st January 2025 with a clear stipulation that no further time will be granted.

2. When the application is called out for hearing, it is found that the defendants have failed to file their additional affidavit in reply despite the specific observations made by this Court in the order dated 22nd November 2024, and in the backdrop of the fact that the direction to file such an additional affidavit in reply was issued as far back as in the order dated 03rd July 2023.

3. It is evident that the defendants have not availed of the repeated opportunities granted by this Court to file their additional affidavit in reply in the interim application. Hence, the defendants cannot be granted any further opportunity to file such an additional affidavit in reply.

4. The interim application shall now be heard on the pleadings that are on the record of this Court.

5. list the interim application for hearing on **24th June 2025, “High on Board.”**

(MANISH PITALE, J.)