

PURTI
PRASAD
PARAB

Digitally signed by
PURTI PRASAD
PARAB
Date: 2025.09.03
17:41:09 +0530

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
COMMERCIAL IP SUIT NO. 266 OF 2025

ALONGWITH

INTERIM APPLICATION (L) NO. 8627 OF 2025

ALONGWITH

INTERIM APPLICATION (L) NO. 7980 OF 2024

ALONGWITH

INTERIM APPLICATION (L) NO. 8247 OF 2024

ALONGWITH

COURT RECEIVER REPORT NO. 172 OF 2025

ALONGWITH

COURT RECEIVER REPORT NO. 157 OF 2025

ALONGWITH

INTERIM APPLICATION (L) NO. 13397 OF 2024

ALONGWITH

INTERIM APPLICATION NO. 1496 OF 2025

ALONGWITH

INTERIM APPLICATION NO. 1497 OF 2025

ALONGWITH

INTERIM APPLICATION (L) NO. 8719 OF 2024

ALONGWITH

INTERIM APPLICATION (L) NO. 13268 OF 2024

IN

COMMERCIAL IP SUIT NO. 266 OF 2025

ALONGWITH

LEAVE PETITION (L) NO. 23641 OF 2023

Aabid Paper Cones

...Plaintiff

Versus

Mohd. Azhar

...Defendant

Mr. Hiren Kamod a/w Mr. Prem Khullar i/b V.H. Narvekar for Plaintiff.

Mr. Vivek Punjabi a/w Ms. Parichehr Zaiwalla for Defendant.

Mr. Deepak S. Bhalerao, 2nd Assistant to the Court Receiver present.

CORAM : ARIF S. DOCTOR, J.

DATE : 26th AUGUST, 2025.

P.C.

1. Mr.Kamod has today brought to my notice another instance of the unfortunate disobedience of the orders passed by this Court.

2. Mr.Kamod pointed out that this Court had vide an order dated 28th April 2025 directed Suman Malik the proprietor of Uma Trading Company along with Mohd. Azhar to remain personally present in this Court on the next date of hearing. Mr.Kamod pointed out that despite being served with a copy of the order dated 28th April 2025, on the next date of hearing neither Suman Malik nor Mohd. Azhar remain present. Mr.Kamod then invited my attention to the order dated 5th August 2025 by which this Court inter-alia directed as follows :

“1. Learned Counsel appearing for the defendant submits that the defendant is not present and prays that he be exempted from personal appearance today. Mr. Kamod objects and submits that by an order dated 7th April 2025 the defendant Mohd. Azhar had given an undertaking to remain present in Court on the future dates of hearing and despite thereof have breached the undertaking and not remained present.

2. The matter is called out in the morning session and in the afternoon session there are fixed matters for hearing, so this present application cannot be taken up for further consideration.

3. In view of the request made by Learned Counsel for the defendant the matter is stood over to 26th August 2025.

4. Defendant Mohd. Azhar as well as newly added defendant Suman Malik is directed to remain present on the next date”.

3. Mr. Kamod pointed out that the aforesaid order also served upon Suman Mailk who is again not present today. At this stage, Mr.Punjabi,

Learned Counsel appearing on behalf of defendant Mohd, Azhar points out that Mohd. Azhar is present in the Court and his presence may be noted.

4. After having heard Mr.Kamod, who has taken me through the previous orders passed by this Court, more particularly the orders dated 6th February 2024 by which the Applicant/Plaintiff was granted ex-parte ad-interim relief as also the orders dated 7th April 2025 and 28th April 2025 by which this court had noted the manner in which the defendant and Suman Malik having flouting orders of this Court, in my view it is imperative that Bailable Warrant be issued to ensure the presence of Suman Mailk before this Court given that just for Suman Malik has despite specific orders of this Court failed to appear before this Court.

5. Hence, issue Bailable warrant to Suman Malik in the sum of Rs.25,000/- (Rupees Twenty Five Thousand only) returnable on 16th September 2025. The details of Suman Malik are as follows :

Suman Malik
Proprietor of Uma Trading Co.
Office Address : R2-59-D, 2nd Floor,
Gali No.8/9, Tughlakabad Ext. Kakaji,
New Delhi – 110 019.

6. At this stage, Learned Counsel appearing on behalf of the defendant Mohd. Azhar submits that the defendant does not have any connection with Suman Malik. He further also is in agreement that in view of the conduct of Suman Malik, Bailable Warrant ought to be issued.

7. Ad-interim relief, if any, granted earlier to continue until next date.

[ARIF S. DOCTOR, J.]