

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

**INTERIM APPLICATION (L) NO. 13127 OF 2024
IN
COMMERCIAL IP SUIT (L) NO. 23473 OF 2023**

Aabid Paper Cones	...	Applicant/ Plaintiff
Versus		
Mohd. Azhar	...	Defendant

**WITH
INTERIM APPLICATION (L) NO. 24015 OF 2023
IN
COMMERCIAL IP SUIT (L) NO. 23473 OF 2023**

Adv. S. S. Kanetkar i/by V. H. Narvekar for the Applicant/Plaintiff.
Mr. Ankit Jain for Defendant.

**CORAM: MANISH PITALE, J.
DATE : 20th JANUARY 2025**

P.C. :

. The plaintiff has been constrained to file this application in the light of the conduct of the defendant/respondent, against whom it is alleged that despite initially making a statement before this Court that the impugned mark would not be used and in the light of subsequent orders passed by this Court granting limited ad-interim relief, restraining the defendant from using the impugned mark, the defendant has been defiantly using the impugned mark. In support thereof, the applicant/plaintiff has placed on record affidavits to demonstrate that impugned goods

bearing the impugned mark are being openly sold by the defendant, in defiance of orders of this Court and the statement made in that regard.

2. Mr. Ankit Jain, learned counsel appearing for the defendant submits that his senior is unwell and therefore, a short adjournment may be granted. It is further brought to the notice of this Court that the defendant has filed various applications and a request is made that the said applications may also be listed on the next date of hearing.

3. In view of the above, list this application, along with all the other pending applications in these proceedings, as also Leave Petition (Lodging) No. 23641 of 2023, for consideration on 29th January 2025, to be included in the supplementary list.

4. It is made clear that this Court would consider granting ad-interim reliefs in favour of the applicant and may issue ancillary directions, if it is demonstrated before this Court that the defendant has been defiantly violating the statement made before this Court and the subsequent orders, whereby limited ad-interim relief was granted.

MANISH PITALE, J.