

*K.S. Jadhav*

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

**LEAVE PETITION (L) NO.13248 OF 2023  
IN  
COMMERCIAL IP SUIT (L) NO.12762 OF 2023**

**M/s West View, Mumbai**

**...Plaintiff**

*Versus*

**M/s West View, Haryana**

**...Defendant**

**WITH  
INTERIM APPLICATION (L) NO.13265 OF 2023  
IN  
COMMERCIAL IP SUIT (L) NO. 12762 OF 2023**

-----

B.N. Poojari a/w Ms. Nidhi Bangera i/b Asian Patent Law, Advocates  
for the Plaintiff.

-----

**CORAM : R.I. CHAGLA, J.**

**DATE : 28TH JUNE, 2023.**

**ORDER :**

1. The learned Counsel appearing for the Applicant/Plaintiff has tendered Affidavit of Service dated 26<sup>th</sup> June, 2023 which shows service of the Leave Petition and Interim Application alongwith Exhibits on the Defendant. The Affidavit of Service dated 26<sup>th</sup> June, 2023 is taken on record.

2. As and by way of last chance to the Defendant, the matter is being stood over.

3. It is made clear that in the event, the Defendant does not appear on the next date, the Interim Application shall be considered in its absence.

4. I have considered that the mark “West View” which has been registered under the Trade Marks Act in favour of the Plaintiff and is being used by the Defendant in relation to their complete Family Welfare Store as can be seen from the Photograph at Exhibit-G1 to the Plaint. Thus, it appears that the Defendant is using the identical mark to that of the Plaintiff’s Mark “West View” in respect of similar service.

5. The Advocates for the Applicant/Plaintiff shall serve notice of this order on the Defendants and file Affidavit of service on or before next date.

6. Interim Application shall be placed on 12<sup>th</sup> July, 2023.

**[R.I. CHAGLA, J.]**