

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
IN ITS COMMERCIAL DIVISION
INTERIM APPLICATION NO.1496 OF 2025
IN
COMMERCIAL IP SUIT NO.266 OF 2025

Aabid Paper Cones ... Applicant / Plaintiff
Vs.
Mohd. Azhar ... Respondent / Defendant
WITH
INTERIM APPLICATION (L) NO.7980 OF 2024
WITH
INTERIM APPLICATION (L) NO.8247 OF 2024
WITH
INTERIM APPLICATION (L) NO.8627 OF 2025
WITH
INTERIM APPLICATION (L) NO.8719 OF 2024
WITH
INTERIM APPLICATION (L) NO.13268 OF 2024

Mr. Hiren Kamod a/w. Mr. Prem Khullar i/b.Mr. V. H. Narvekar for Applicant / Plaintiff.
Mr. Pravin Singh a/w. Mr. Javaid Muzaffar and Ms. Napini Durgesh i/b. Mr.Ankit Jain for Respondent / Defendant.
Ms. Charushila Vaidya, 2nd Assistant to Court Receiver.
Mr. Mohd. Azhar, Respondent / Defendant in person.

CORAM : MANISH PITALE, J.
DATE : APRIL 28, 2025

P.C. :

. In terms of the order dated 07.04.2025, the defendants have filed additional affidavit on record along with documents. Apart from filing the said additional affidavit, the defendants have also filed reply affidavits to the reports of the two Additional Special Receivers i.e. Advocate Saurish Shetye and Advocate Pranit Kulkarni. The website shows that both these replies to the reports of the Additional Special

Receivers (ASRs) have been approved but for some reason, they are not shared with this Court. The Registry is directed to ensure that on the next date of listing, both the replies to the reports of the ASRs are shared for perusal of this Court.

2. The learned counsel for the applicant / plaintiff submits that serious and unfounded allegations have been made against both the ASRs in the said replies and the contents of the additional affidavit along with the documents filed therewith would show that according to the defendants / respondents herein, they have nothing to do with another proprietorship i.e. Uma Trading Company of which one Suman Malik is a proprietor. Yet, the stance adopted by the respondents indicates that they are using the *modus operandi* of introducing the impugned products in the teeth of the orders passed by this Court through the said proprietorship. This allegation is stoutly denied on behalf of the defendants.

3. In that light, the learned counsel for the plaintiff has tendered schedule of draft amendments seeking to amend Interim Application (L) No.8627 of 2025 to add the said proprietorship 'Uma Trading Company through its proprietor Suman Malik' as a respondent and also to add appropriate pleadings in the application. It is submitted on behalf of the applicant / plaintiff that unless the said entity is also brought before this Court, the entire picture will not be before this Court. It is further highlighted that the said proprietorship initiated a proceeding before the District Court at Saket in New Delhi, wherein when the applicant / plaintiff herein appeared and pointed out the background facts, no interim order was passed in favour of the said Uma Trading Company through Suman Malik. All the aforesaid facts can also be placed before this Court if the amendment is allowed.

4. Although the amendment is opposed by the defendants, this Court

is of the opinion that in the light of the serious allegations made and the facts that have come to the light in the process of execution of earlier orders of this Court, the amendment deserves to be granted, so that this Court can get to the truth of the matter. The schedule of amendments shall be e-filed within one week from today. The amendment shall be carried out within two weeks from today. Re-verification is dispensed with. The amended pleadings along with all the relevant papers shall be served on the newly added respondent.

5. In the light of the serious allegations made by the existing defendants against the ASRs and the role of the newly added respondent Suman Malik being the sole proprietor of Uma Trading Company, unless the said newly added respondent is also directed to remain present before this Court, it would not be possible for this Court to get to the truth of the matter.

6. This Court was inclined to list the application immediately on re-opening after the Summer Vacation but for the fact that one of the advocates appearing for the defendants is said to be appearing in the Advocates on Record Examination before the Supreme Court and on this ground, date is sought after 22.06.2025.

7. In that light, list the application along with all pending applications in this Suit for further consideration on 23.06.2025 at Sr. No.1 in the cause-list.

8. It is directed that Mohd. Azhar and the newly added respondent Suman Malik shall remain personally present in this Court on the next date of listing.

9. The ad-interim order shall continue to operate until further orders.

(MANISH PITALE, J.)