

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

COMMERCIAL IP SUIT NO. 226 OF 2015

Asian Paints Limited

..Plaintiff

Versus

Samsolite Paints Limited And 2 Ors.

..Defendants

WITH

LEAVE PETITION NO. 275 OF 2014

IN

COMMERCIAL IP SUIT NO. 226 OF 2015

Ms. Twisha Singh i/b Vinod A. Bhagat, for the Plaintiff.

Ms. Devika Shukla a/w Ms. Pragati Dave, for the Defendants.

Mr. D. S. Bhalerao, Second Assistant to Court Receiver, present.

Mr. Sanjay Kumar and Ms. Mansha Kumari, present (through V.C.).

CORAM : ARIF S. DOCTOR, J.

DATE : 4th MAY, 2026

P.C.

1. The matter was placed today after I had, on the previous occasion, inter alia observed as follows:

"4 Thus, plainly, both Mr. Sanjay Singh and Ms Mansha Singh have willfully disregarded the directions passed by this Court in the previous order. This is a very serious matter. I have also in the previous orders already taken note of the conduct of the Defendants.

5 Though, it is solemnly stated that Mr. Sanjay Singh is not present today because he is hospitalized only yesterday and noting the prior conduct of the Defendants, I find this explanation highly suspect. Let Mr. Sanjay Singh. therefore file an affidavit with all the relevant details pertaining to the hospitalization. The affidavit shall also contain necessary proof including the admission card etc. of the hospital in question, as also as to why he could not

appear virtually, which was in fact the directions given. I had explained the seriousness of the matter to Ms Shukla, who assures the Court that the affidavit setting out all details pertaining to the hospitalization of Mr. Sanjay Singh as also the reasons why he could not appeared even virtually today, shall be filed latest by day after tomorrow, i.e. 2nd May 2026. Her statement is accepted.

6 *As already noted that the fact that Ms Mansha Singh is a housewife does not give her the liberty to disregard the orders of this Court to appear when summoned.*

7 *List this matter first on board on 4th May 2026.*

8 *It is made clear that if on the next date the Directors do not appear, the Court shall then proceed to issue appropriate warrants to ensure their presence."*

2. Ms. Shukla, learned counsel appearing on behalf of the Defendants has today in so-called compliance of the previous order tendered a "so-called affidavit" of Mr. Sanjay Kumar. The affidavit reads thus:

"I, SANJAY KUMAR, Son of Balram Sharma, aged about 46 years, residing at New Jaganapura, Sampatchak, Dist.- Patna- 800027, Bihar do hereby solemnly affirm and state as under:

1. *That I am the deponent herein and well acquainted with the facts of the present case.*
2. *That I am required to appear before this Hon'ble Court in connection with the matter pending herein.*
3. *That I am presently suffering from illness and severe weakness, due to which I am unable to travel and attend the proceedings before this Hon'ble Court. I am presently advised rest and under medical care at home.*
4. *That due to my aforesaid medical condition, my non-appearance before this Hon'ble Court is neither intentional nor deliberate, but solely due to unavoidable circumstances.*
5. *That Mrs. Mansha Kumari, Wife of Rajendra Singh, Resident of H. No.- 877, Road No.- 8, Kali Mandir Road, Sanjay Gandhi Nagar, Hanuman Nagar, Kankarbagh, P.O.- Lohiya Nagar, Dist.- Patna-800020, Bihar, who is also required to appear before this Hon'ble Court, is unable to attend as she has to take care of her aged parents, who require constant supervision and assistance. There is no other person available to look after them in her absence.*

6. *That in view of the above circumstances, it is most respectfully prayed that this Hon'ble Court may kindly excuse our non-appearance and grant a suitable adjournment in the interest of justice.*
7. *That this affidavit is made in good faith and in the interest of justice."*

3. It is therefore clear from the said affidavit that what was informed to the Court on the previous occasion, i.e., Mr. Sanjay Kumar could not appear since he was hospitalized, was a plain falsehood. Furthermore, nothing stated in the said affidavit would in any manner even remotely suggest why Mr. Sanjay Kumar could not appear virtually on the previous occasion.

4. Furthermore, a so-called medical certificate has been appended to the said affidavit, which also, to my mind, is highly suspect and in any view does not justify why Mr. Sanjay Kumar could not appear even virtually, as directed.

5. The affidavit filed by Mr. Sanjay Kumar also sets out that Ms. Mansha Kumari cannot appear before this Court since she has to take care of her aged parents, who require constant supervision and assistance and that there is no other person available to look after them in her absence.

6. This, as already noted in the previous order is no reason why Ms. Mansha Kumari could not have appeared virtually, as directed on the previous occasion. It is therefore clear to my mind that both Mr. Sanjay Kumar and Ms. Mansha Kumari have made a mockery of the orders of this Court and are acting in utter and wilful disregard of the orders of this Court.

7. Needless to state that such conduct cannot and will not be countenanced. I have, therefore, no option but to issue a non-bailable warrant to ensure their presence before this Court, given their wilful and utter disregard for the orders

of this Court and now in light of the false statement which have been made to this Court.

8. At this stage, Ms. Shukla requested that the Court not to issue a non-bailable warrant and assured the Court that both Mr. Sanjay Kumar and Ms. Mansha Kumari shall remain present in person tomorrow. She makes a statement in their presence. It is thus I am presently not issuing a non-bailable warrant.

9. Stand over to **5th May 2026**.

[ARIF S. DOCTOR, J.]