

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
INTERIM APPLICATION (L) NO.24015 OF 2023
IN
COMMERCIAL I.P. SUIT (L) NO.23473 OF 2023

Aabid Paper Cones .. Applicant/Plaintiff

Versus

Mohd. Azhar .. Respondent/Defendant

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Mr.S.S.Kanetkar i/b V.H.Narvekar for the Applicant/Orig.
Plaintiff.

Mr.Ankit Jain for the Respondent/Defendant.

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CORAM: BHARATI DANGRE, J.

DATED : 01st MARCH, 2024

P.C:-

1. The learned counsel Mr.Kanetkar has placed on record an additional affidavit, for demonstrating the continued use of his mark by the Defendant, despite the statement having been recorded in the order dated 06/02/2024 to the effect that the Defendant shall not use the infringing mark of the plaintiff on any of its product either directly in the market or via any trade channel.

The Affidavit is taken on record.

2. The learned counsel for the Defendant, however, states that he has filed an application, seeking recall of the said

statement, since his counter-claim is pending before the Registrar of Trademarks.

Let him circulate his application, with a clear understanding that if he desires not to continue with the said statement, this Court will pass positive direction, having noticed that the Defendant has infringed the rights of the Plaintiff and is using the mark to its detriment.

3. Re-notify to 13/03/2024.

The Registry, on the next date of hearing, shall place on record the application filed by the Defendant.

(SMT. BHARATI DANGRE, J.)