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

INTERIM APPLICATION (L) NO.24015 OF 2023
IN
COM IPR SUIT (L) NO.23473 OF 2023

Aabid Paper Cones

...Applicant /
Plaintiff

Versus

Mohd. Azhar

...Defendant

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

CORAM : R.I. CHAGLA J

DATE : 27TH OCTOBER, 2023

ORDER :

1. Mr. Kanetkar, the learned Counsel appearing for the Applicant / Plaintiff states that in compliance with the order dated 7th October, 2023, the Defendant has been served with the papers and proceedings in the above matter by the Advocates for the Applicant / Plaintiff. An Affidavit of Service dated 12th October, 2023 shows service on the Defendant of the papers and proceedings in the the above Suit as well as notice of the said order dated 7th October,

2023. Service has been effected by courier and which was delivered to Defendant on 12th October, 2023. Annexed to the Affidavit of Service is tracking report obtained from the website of DTDC Courier.

2. The Affidavit of Service dated 12th October, 2023 is taken on record.

3. There is a letter of the Advocate for the Plaintiff addressed to Defendant informing the Defendant that the matter is kept today i.e. 27th October, 2023 for ad-interim relief and that he shall remain present, if he so desires. Mention is also made that the matter was listed on 16th October, 2023, high on board, but due to paucity of time the matter had not reached. The said letter has been served on the Defendant as is borne out from the courier receipt. The extract of website shows that the said notice has been successfully delivered to the Defendant on 23rd October, 2023. The said letter is taken on record and marked 'X' for identification.

4. The Defendant has failed to appear inspite of service of notice of today's date, when the application is being made by the Advocate for the Plaintiff for ad-interim relief. As and by way of last

chance, the Interim Application is stood over to 3rd November, 2023 to be shown on the supplementary board. In the event, the Defendant remain absent on the next date, the Interim Application for ad-interim relief shall be considered in the absence of the Defendant. The Advocate for the Applicant / Plaintiff shall serve notice of this Order on the Defendant and file Affidavit of Service to that effect on or before the next date.

5. List the matter on 3rd November, 2023 on the supplementary board.

[R.I. CHAGLA J.]