

ORDER SHEET

IN THE HIGH COURT AT CALCUTTA
Ordinary Original Civil Jurisdiction
ORIGINAL SIDE

CS 94 of 2020

DUROPLY INDUSTRIES LIMITED AND ANR.

VS.

MA MANSA ENTERPRISES PRIVATE LIMITED

BEFORE:

The Hon'ble JUSTICE ARINDAM MUKHERJEE

Date : 21st October, 2020

Appearance :

Mr. Debnath Ghosh, Adv.

Ms. Harshita Ginodia, Adv.

..for petitioners

Mrs. Sonal Shah, Adv.

Mr. Kushagra Shah, Adv.

Mr. Aniket Chaudhury, Adv.

..for respondent

The Court: An interim order was passed in IA NO.GA/1/2020 on 8th October, 2020 restraining the respondent and/or its agents and assigns from manufacturing, distributing and selling their goods under the mark 'Duro Touch' or any other mark which is deceptively similar to the petitioners' mark 'Duroply'. The interim order was directed to continue till 20th October, 2020. The petitioners failed to approach the Court on or before 20th October, 2020 to have the said interim order dated 8th October, 2020 extended and as such the same has expired with the expiry of 20th October, 2020 by efflux of time.

There appears, however, no returnable date in the order dated 8th October, 2020.

The matter is appearing as item no.11 in the Daily List. The petitioners pray for extension of the interim order for a further period. The respondent submits that in the interim order dated 8th October, 2020 the respondent was given liberty to apply for vacating of the order and at the same time the petitioners were also given liberty to pray for extending the same. The respondent says that by virtue of the interim order their business has been brought to standstill. This in effect is a very harsh step as against them, particularly keeping in mind the present pandemic situation. The respondent has not made any application for vacating the interim order passed on 8th October, 2020 or has applied for inclusion of the matter in the list to seek variation of the order dated 8th October, 2020.

In the circumstances as aforesaid, I extend the interim order, already passed on 8th October, 2020, till 20th November, 2020 for the ends of justice. The respondent will be at liberty to move before the vacation Bench for vacating the order, if so advised.

The matter is directed to appear in the list on 17th November, 2020 or immediately thereafter subject to convenience of the Court.

(ARINDAM MUKHERJEE, J.)