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

INTERIM APPLICATION (L) NO. 31891 OF 2024

IN

COMMERCIAL IP SUIT (L) NO. 35466 OF 2023

Hindustan Unilever Limited.

...Applicant /
Plaintiff

Versus

Ashok Kumar & Ors.

...Defendant

Mr. Vinod Bhagat, for the Applicant / Plaintiff.

CORAM : R.I. CHAGLA J.

DATE : 25TH OCTOBER, 2024.

ORDER :

1. Heard Mr. Bhagat, learned Counsel for the Plaintiff. This Application is taken out by the Plaintiff for a limited direction seeking destruction of infringing goods which had been seized by the Court Receiver through the Additional Special Receivers during the execution of the ex-parte order of this Court dated 21.12.2023 and

which are currently lying in the premises of the Plaintiff by retaining few samples for use as evidence in the Suit.

2. Considering the limited directions sought for by Mr. Bhagat, the learned counsel for the Applicant/Plaintiff and also considering that the Defendants, have been served with the Interim Application as well as notice of today's hearing (Defendant No. 1 being John Doe/Ashok Kumar/Unknown person), as borne out from the copies of the WhatsApp screenshot messages which have been tendered and taken on record and marked 'X' for identification, it would be appropriate to entertain the Interim Application and pass orders thereon.

3. Mr. Bhagat, learned counsel appearing for the Applicant/Plaintiff, states that the impugned goods of the Defendants are currently retained at the premises of the Plaintiff as per the ex-parte ad-interim order passed by this Court dated 21.12.2023. Mr. Bhagat has submitted that in view of the goods lying in the premises of the Plaintiff which is in their godown/warehouse/depot situated at Hindustan Unilever Private Limited, Warehouse at Hassanghar, Haryana - 124404, the Plaintiff be granted liberty to destroy the infringing goods, by retaining few samples for use as evidence in the suit.

4. I am satisfied with the averments in the Interim Application as well as the submissions of the learned Counsel for the Applicant/Plaintiff that a case is made out for grant of relief sought for in the Interim Application. Hence, the following order :-

- (i) The Applicant/Plaintiff is permitted to destroy the infringing goods which have been seized by the Additional Special Receivers during the execution of the ex-parte ad-interim order dated 21.12.2023 and which are currently lying in the said premises of the Plaintiff, by retaining few samples for use as evidence in the Suit.
- (ii) The Plaintiff will take photographs of the products that are retained and file an Affidavit annexing those photographs.
- (iii) The Affidavit shall be filed by the Plaintiff within a period of four weeks from the date of this order.
- (iv) Interim application is disposed of in these terms.

5. At this stage, Mr. Bhagat has submitted that the Plaintiff's Leave Petition (L) No. 35500 of 2023 and Interim Application (L) No. 35466 of 2023 is pending for further consideration. He has therefore requested for an early listing of the same. Let the Plaintiff's Leave Petition (L) No. 35500 of 2023 and

Interim Application (L) No. 35466 of 2023 be listed for further consideration on 22.11.2024, high on board. The earlier ad-interim order passed in the above Interim Application is continued till further orders.

[R.I. CHAGLA J.]