



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
IN ITS COMMERCIAL DIVISION
NOTICE OF MOTION (L) NO. 2646 OF 2018
IN
COMMERCIAL IP (L) NO. 1498 OF 2018**

Alkem Laboratories Ltd.

... Plaintiff

Versus

Maxtel Laboratories and another

... Defendants

Mr. Hiren Kamod instructed by Mr. Mahesh Mahadgut for the Plaintiff.
Ms. Shobha Surve, Section Officer, Court Receiver, present.

CORAM : S.J. KATHAWALLA, J.
DATED : 21st NOVEMBER, 2018

P.C.:

Perused the Report filed by the Court Receiver dated 19th November, 2018.
Also heard Mr. Nathu Nagu Daphal who is the landlord of the premises shown at the address of the Defendant on the impugned product as well as the licensee Mr. Murlidhar Ramu Gorade. They have submitted that the said premises are given on leave and licence to Mr. Murlidhar Ramu Gorade who is residing with his family and he has no connection with the Agreement between Maxtel Laboratories and Maxta Laboratories (Defendant Nos.1 and 2 respectively) of any nature whatsoever. The Receiver has therefore expressed his inability to execute the order passed by this Court dated 3rd October, 2018. The Learned Advocate appearing for the Plaintiff seeks time

to get further information of the Defendants and also to take out appropriate criminal proceedings against the Defendants as advised. The address of manufacturers is also incorrect. The Advocate for the Plaintiff shall also make enquiry from Food Safety and Standards Authorities of India and International Organization for Standardization, who shall forthwith respond to the enquiry to enable the Plaintiff to place the same before the Court. Stand over to 3rd December, 2018. In the meantime, earlier order to continue.

(S.J.KATHAWALLA,J.)