

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION**

SUIT NO.2480 OF 2008

M/s. Mody Beverages Pvt. Ltd.Plaintiffs

V/s.

Parle Agro Pvt. Ltd.Defendants

None for the plaintiffs.

Mr. Nikhil Sakhardande a/w Ms. Anshika Mishra i/b. AZB & Partners
for the defendants.

**CORAM : K.R.SHRIRAM,J
DATE : 7th October, 2015**

P.C.:-

1 On 7th October, 2014, the plaintiffs were directed to file their list of witnesses, affidavit in lieu of examination in chief of the first witness together with compilation of documents and serve a copy thereof upon the defendants on or before 21st November, 2014. On 7th January, 2015 the counsel for the plaintiffs stated that despite repeated requests he has not been receiving instructions from the plaintiffs and therefore, the suit was stood over to 16th January, 2015 for dismissal. The plaintiffs' advocate was also directed to inform the plaintiffs that the suit was being placed for dismissal on 16th January, 2015. On 16th January, 2015 the director of the plaintiffs remained present in court and stated that they wish to discharge the advocate on record and appoint another advocate. The plaintiffs were given a

period of 6 weeks to engage another advocate and also to comply with the directions in paragraph 2 of the order dated 7th October, 2014. It was also made clear that no further time will be granted and if the directions are not complied with, the suit will be dismissed. On 9th March, 2015, the counsel instructed by the present advocate on record for the plaintiffs requested for further time. As and by way of last chance further time was granted upto 6th April, 2015. It was also made clear that if the directions contained in paragraph 2 of the order dated 7th October, 2014 are not complied, the suit will stand dismissed without further reference to the court.

2 Today the matter is called out and nobody is present for the plaintiffs. The counsel for the defendants states that they have not been served with any list of witnesses or affidavit in lieu of examination in chief or compilation of documents though the last chance granted expired almost 06 months ago.

3 In the circumstances, the suit is dismissed for want of prosecution.

(K.R.SHRIRAM,J)

CERTIFICATE

**Certified to be true and correct copy of the original
signed Judgment/Order.**