

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

**NOTICE OF MOTION NO. 2335 OF 2010
IN
SUIT NO. 2304 OF 2010**

Wanbury Limited	.. Plaintiff
Vs.	
Mr.Mehul Shah & Ors.	.. Defendants

Mr.Rahul Bothra i/b D.H. Law Associates for plaintiff.

Mr.Sanjay Gade i/b Ajay Yadav for defendant no.1.

Mr.Shriram S. Kulkarni with Mr.Sachin Chavan for defendant nos.2 to 4.

**CORAM : K.R.SHRIRAM, J.
DATED : 14TH OCTOBER, 2015**

P.C.

1 The claim in the suit is for a decree for damages in the sum of Rs.13,47,45,000/- and to restrain the defendants in any manner directly or indirectly from disclosing or using or imparting or reproducing or storing and/or making use of the confidential information, which the plaintiff claims the defendants are in possession, in any media, electronic or digital.

2 The plaintiff is engaged, *inter-alia*, in the business of manufacture, sale and marketing of active pharmaceutical ingredients and formulations. Defendant no.1 was one of the suppliers of raw material to the plaintiff's contract manufacturer for a product of the plaintiff. Defendant nos.2, 3 and

4 are former employees of the plaintiff. Defendant no.5 of which defendant no.6 is alleged to be a parent Company, it is stated in the plaint, are plaintiff's competitors. It is also alleged that defendant nos.5 and 6 have been incorporated by defendant no.2 and defendant nos.1 to 4 have confidential proprietary information and data of the plaintiff by using their position and the plaintiff apprehend that they will use those confidential information to the detriment of the plaintiff. The prayer sought in the notice of motion is to restrain the defendants from using the so called proprietary information and knowledge. That is also the prayer in the suit, i.e., prayers (b) and (c).

2 It is settled law that the final relief cannot be given at the interim stage. Moreover, the plaintiff has not even pressed for ad-interim relief. It is more than five years since the notice of motion has been taken out. Therefore, I am not inclined to grant any relief in the notice of motion. The notice of motion, therefore, stands dismissed.

3 The counsel for defendant no.1 and defendant nos.2 to 4 state that their written statements have already been filed. The counsel for the plaintiff states that defendant no.5 has been served and they will file affidavit of service. The counsel states that defendant no.6 has been served but they are

awaiting Bailiff's report. The counsel raises a grievance that they have written various letters to the office of the Sheriff of Mumbai asking for the status of the service upon defendant no.6 but they have received no response. The counsel further states that as recent as on 10.08.2015, they have called upon the Sheriff's office for details of service upon defendant no.6. The office of the Sheriff of Mumbai is directed to respond to the plaintiff on the status of service upon defendant no.6 within one week from today.

4 Stand over to 27.10.2015 for framing of issues.

(K.R. SHRIRAM, J.)