

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

SUIT NO. 998 OF 2014

M/s.Ciemme Entertainment Private Limited ... Plaintiffs

Versus

M/s. Hathway Cable & Datacom Limited ... Defendants

ALONG WITH

NOTICE OF MOTION NO. 1587 OF 2014

IN

SUIT (L) NO. 949 OF 2014

Mr. Atul S. Singh for the Plaintiffs.
None for the Defendants.

CORAM : S.J. KATHAWALLA, J.
DATED : 2ND JULY, 2015

P.C.:

1. On 5th March, 2015 the Prothonotary and Senior Master of this Court has passed the following order :

“Advocate for the Plaintiff submits that service against Defendants is awaited and applies time to file Affidavit of Service. In view thereof, adjourned to 02.07.2015”.

2. Today, the learned Advocate for the Plaintiffs states that the Writ of Summons have not been issued in the matter and that the Prothonotary and Senior Master of this Court has wrongly recorded as above.

3. The above statement of the Advocate for the Plaintiffs cannot be

accepted. Even if the statement recorded by the Prothonotary and Senior Master was incorrect he ought to have applied for speaking to the Minutes of the order. He is also unable to explain as to why since September-2014 he has not lodged the Writ of Summons with the department and obtained a returnable date for service on the Defendants. In view thereof, the Suit is dismissed with liberty to file a fresh Suit if so advised. The Notice of Motion also stands dismissed.

(S.J. KATHAWALLA, J.)