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

APPEAL (L) No. 673 OF 2015
IN
NOTICE OF MOTION (L) No. 2287 OF 2015
IN
SUIT (L) No. 856 OF 2015
WITH
NOTICE OF MOTION (L) No. 2421 OF 2015

Valisons & Co.	...	Appellant / Appellant (Orig. Plaintiff)
Vs.		
Weatherford Drilling International (BVI) Ltd.	...	Respondent (Orig. Defendant)

Mr. Huzeta Nasikwala a/w Raman Misra i/b Nasikwala Law Office,
for the Appellant.

Ms. Gulnar Mistry a/w Pranav Khatkul, Ashtiya Gulechi i/b Ashok
Pratap & Co, for Respondent.

CORAM : V. M. KANADE, &
Dr. SHALINI PHANSALKAR-JOSHI, JJ.

DATE : SEPTEMBER 10, 2015

PC.

1. Being aggrieved by an order passed by the learned Single Judge in Notice of Motion (L) No. 2287/2015, dated 24th August, 2015, seeking an ad-interim relief in the nature of attachment before judgment under Order XXXVIII Rule 5 of the Code of Civil Procedure, 1908, the Appellant has preferred the present appeal. By

the impugned order, the learned Single Judge refused to grant ad-interim relief, as prayed by the Plaintiff.

2. Brief facts are as under:

. For the sake of convenience, Appellant is referred as the “Plaintiff” and the Respondent is referred as the “Defendant”. Plaintiff is a manufacturer of containers and portable cabins, bunk houses and prefabricated units. The Defendant is a foreign company. The Defendant deployed Rig No. 709 in Rajasthan. The Defendant needed to hire or rent bunk houses for its employees. The Defendant floated a tender. The Plaintiff being a lowest bidder, its bid was accepted. The Defendant issued a purchase order to the Plaintiff for the hire of bunk houses for 24 months. According to the Plaintiff, there was an understanding that the term would be extended by an additional 12 months. The Defendant used the bunk houses from October, 2013 to February, 2015. The Plaintiff raised monthly bills for this period, which were paid by the Defendant. However, on 7.1.2015 Defendant sent an email to the Plaintiff, intimating that it would discontinue their services from 31st January, 2015. The contention of the Plaintiff is that termination is unlawful and asked the Defendant to reconsider the order of termination. Since its request was not accepted, suit was filed. After the suit was filed, a motion was taken out and it was contended that the rig which was utilised by the Defendant was likely to be taken out of the country, and therefore, Plaintiff is seeking an order of attachment of these three rigs, which protection was not granted by the learned Single Judge.

3. We have heard the learned counsel appearing on behalf of the Plaintiff and the learned counsel appearing on behalf of the Defendant and perused the impugned order and other relevant documents. We are of the view that the learned Single has given cogent reasons for not granting ad-interim relief, prayed by the Plaintiff. The motion itself was kept for hearing on 23rd September, 2015. In our view, no case is made for interfering with the impugned order, refusing the grant of ad-interim relief, passed by the learned Single Judge. Hence, appeal is dismissed. Ad-interim relief, if any, stands vacated.

4. In view of dismissal of the appeal, Notice of Motion (L) No. 2421 of 2015 filed therein does not survive and is accordingly disposed of.

Sd/-

[Dr. SHALINI PHANSALKAR-JOSHI, J.]

Sd/-

[V. M. KANADE, J.]

Vinayak Halemath

CERTIFICATE

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