

JSN

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
ORDINARY ORIGINAL CIVIL JURISDICTION  
NOTICE OF MOTION NO. 1319 OF 2016**

**IN  
SUIT NO. 402 OF 2016  
AND  
SUIT NO. 402 OF 2016**

Messe Frankfurt Trade Fairs India Private Limited ...Plaintiff  
*Versus*  
Nexgen Conferences Private Limited and Others ...Defendants

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**Ms. Neha Naik, for the Plaintiff.**  
**Mr. Viral Shukla, with Priti Patel i/b Shukla and Associates for**  
***Defendants Nos. 1 to 3.***

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**CORAM: G.S. PATEL, J**  
**DATED: 22nd November 2016**

**PC:-**

1. The Notice of Motion is infructuous. It sought reliefs in respect of trade conferences and the last of which was in April 2016. These conferences are now over.
2. The Notice of Motion is disposed of with no order as to costs.

3. By consent, the Suit is taken up for directions as against Defendants Nos.1 to 3. The Suit has been transferred to the list of undefended Suits. Defendants Nos. 1 to 3 are represented today. They seek that the order of transfer to the list of undefended causes against them be recalled and set aside so that they be allowed to file their Written Statement.

4. I will grant that leave as a final opportunity and set aside the order of the registry transferring the suit against them to the list of undefended suits. Defendants Nos.1 to 3 are already delinquent in not having filed Written Statement as previously directed. The application is of course, opposed. I will however, grant the reliefs conditionally; the condition being that, if by next date, which I will now fix, the Defendants have not filed their Written Statement, they will, without any further order of the Court, be deemed to have submitted to a decree in terms of prayer clauses (a), (b), (c), (e), (f) and (g); and so far prayer (h) for damages is concerned, a decree in the amount of Rs. 5 lakhs. The suit will, upon such default, stand decreed against Defendants Nos. 1 to 3 in these terms.

5. Mr. Shukla for Defendants Nos. 1 to 3 agrees and accepts that this is a reasonable order and condition in lieu of an order of costs that I might otherwise have made today as a pre-condition to the grant of leave; and he acknowledges that any such order of costs might well have been in excess of Rs. 5 lakhs.

6. On this basis and subject to these conditions, Written Statements to be filed and served on or before 3rd March 2017.

7. In the event of default, and if the resultant decree is to put into execution, the drawn up order / decree is dispensed with and the Plaintiff will be at liberty to proceed in execution on the basis of an authenticated copy of this order. Defendants Nos. 1 to 3 accept this condition as well.

**(G. S. PATEL, J.)**