

JSN

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
NOTICE OF MOTION NO.1338 OF 2012
IN
SUIT NO.1253 OF 2012

H & FS India Pvt. Ltd.

...Plaintiffs

Versus

The Indian Express Ltd. & Ors.

...Defendants

Mr. Arshad Shaikh, i/b. Hemant Ingle, for the Plaintiff.
Mr. Sufiyan Shaikh, i/b. Poorvi Kamani for Defendants Nos.1 & 3.**Mr. Kunal Shah, i/b. M/s. Rohit Das & Associates for Defendants
Nos. 2, 4 and 5.**

CORAM: G.S. PATEL, J.
DATED: 28th March 2016

P.C.

1. There is an ad-interim order dated 18th January 2012. This order was said to have been carried in appeal. It seems that the Suit itself was in the meantime dismissed for non-removal of the office objections. In consequence, the appeals were disposed of as infructuous. The Suit and the Notice of Motion were restored to file and the previous ad-interim order was revived by an order dated 4th May 2012 (S.C. Dharmadhikari J). The Defendants were given liberty to proceed with their appeals, if permissible, in law.

2. Thereafter, there is an order of Division Bench in appeal of 14th January 2013. This order disposed of the appeal by allowing the parties to pursue their remedies before the trial Court. The Defendants were given liberty to move this Court for modification, if the appeal could not be disposed of within a short time.

3. It seems that thereafter issues have been framed in the Suit itself on 14th March 2014 (S.J. Kathawalla J). An Affidavit of Evidence has been filed along with a compilation. The Suit was last listed at the stage of admission and denial of the Plaintiff's documents. This has not yet been completed.

4. In the meantime the ad-interim order of 18th January 2012 has continued undisturbed. Both sides agree that this ad-interim order may be made the final order on the Notice of Motion with liberty to the parties to apply should the need arise. So ordered. The order of 18th January 2012 is confirmed as the final order in the Notice of Motion, with liberty to the parties to apply.

5. Given that the trial in the Suit has substantially progressed to the stage of filing Evidence Affidavit and documents, I believe that directions should now be issued for commencement of a cross examination. Accordingly list the Suit itself for marking the Plaintiff's documents on 13th April 2016 on the supplementary board.

(G. S. PATEL, J.)