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

**SUIT NO. 2334 OF 2009
WITH
NOTICE OF MOTION NO. 3602 OF 2011
IN
SUIT NO. 2334 OF 2009**

**WITH
NOTICE OF MOTION NO. 3603 OF 2011
IN
SUIT NO. 2334 OF 2009**

Digjam Ltd.	VS	...Plaintiff
WL Ross & Co. LLC & Ors.		...Defendants

.....
None for the Plaintiff
Mr Rohan Rajadhyaksha, Umang Mehta i/b Dhruve Liladhar & Co. for Defendant Nos.1 to 3.
Ms Rishika Harish i/b Shashank Fadia for Defendant Nos.4 and 5.
Mr Amish Parmar i/b RKM Legal Services for Defendant Nos.6 to 8
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CORAM : S.C. GUPTE, J.

JANUARY 05, 2016

P.C. :

This suit is filed by the Plaintiff for an order and decree, jointly and severally, against Defendant Nos.1 to 8 for a sum of US\$ 19.904 million together with interest. The Plaintiff had taken out three Notices of Motion in the suit seeking various interim reliefs including an attachment before judgment and discovery. All three Notices of Motion were dismissed with costs by a learned Single Judge of this Court. Whilst dismissing the Notices of Motion, the learned Judge made adverse observations about the conduct of the Plaintiff. An appeal preferred from the order of the learned Single Judge was dismissed by a Division Bench of this Court. After the dismissal of appeal, the Plaintiff did not prosecute

this suit with even a semblance of diligence. On several occasions, learned Counsel appearing for the Plaintiff submitted that he was awaiting instructions. Finally, Counsel was discharged on 20 October 2015 and the Registry was directed to inform the Plaintiff about the next date of hearing. The Registry has sent a notice to the Plaintiff. Besides this notice, the Defendants have also communicated the order passed by this Court on 20 October 2015 together with the next date of hearing to the Plaintiff. This communication was sent separately by Defendant Nos.4 and 5, and Defendant Nos.6 to 8. Despite this communication, the Plaintiff has remained absent. The facts recounted above indicate that the Plaintiff filed the present suit only with a view to take a chance and seek an interim order but upon being unsuccessful in such order, failed to prosecute the suit further. The Defendants have already filed their respective Written Statements in the suit.

2 In the premises, the suit is dismissed with costs quantified at Rs.1,50,000/-, that is to say, in three sets of Rs.50,000/- each payable to (i) Defendant Nos.1 to 3, (ii) Defendant Nos.4, 5 and (iii) Defendant Nos.6 to 8, separately. In view of the dismissal of the suit, the Motions do not survive and the same are disposed of accordingly.

(S.C.GUPTE J.)

CERTIFICATE

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