

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

**CHAMBER SUMMONS NO. 1454 OF 2015
WITH
CHAMBER SUMMONS NO. 1455 OF 2015
WITH
NOTICE OF MOTION NO. 1265 OF 2013
IN
SUIT NO.660 OF 2013**

Iss Facility Services India Pvt.Ltd	...Plaintiff
<i>Versus</i>	
Radhe Civicon Pvt. Ltd.	...Defendant

**WITH
CHAMBER SUMMONS NO. 1456 OF 2015
IN
SUMMARY SUIT NO. 757 OF 2013**

Radhe Civicon Pvt. Ltd.	...Plaintiff
<i>Versus</i>	
Iss Integrated Facility Services Pvt Ltd. and Anr.	...Defendants

Mr.Sharan Jagtiani a/w. Mr. Hrushi Narvekar i/b Bharucha and Partners for plaintiff in S/660/20163 and for defendant no.1 in SS/757/2013.

Mr.Ankit Lohia i/b Mohanish Chaudhari for defendant in S/660/2013 and for plaintiff in SS/757/2013.

**CORAM : K.R.SHRIRAM, J.
DATE : 15TH OCTOBER, 2016**

P.C.

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1 This chamber summons has been taken out by the defendants to direct the plaintiff to give inspection of originals of the documents listed in the schedule annexed to the chamber summons and give photocopies thereof

and to strike out certain portions of the plaint listed in the schedule which are based on those documents, if inspection is not given.

2 Prior to taking out this chamber summons, the defendants had raised similar grievance before the Court. This Court, by an order dated 6th October 2015, had directed the plaintiff to give inspection of all documents in their possession on or before 10th October 2015 except confidential documents. The defendants were also directed to file written statement on or before 24th October 2015.

3 It is not in dispute that the plaintiff has given inspection of documents in their possession but the plaintiff has not given inspection of certain documents which, according to the plaintiff, are confidential. Despite this, the defendants have not filed the written statement as directed by this Court.

4 Mr.Lohiya, counsel for defendants in suit No.660/2013 states that the plaintiff has not mentioned which are confidential and which are not confidential documents and they have relied upon certain documents of which inspection is not being given. The counsel for the plaintiff states that the inspection of only those documents, which according to them are confidential, have not been given.

5 In my view, the plaintiff having given inspection, as directed by this Court on 6th October 2015, nothing survives in this chamber summons.

The chamber summons dismissed.

6 The defendants are given, as and by way of last chance, to file written statement and serve a copy thereof upon the plaintiff on or before 11th November 2016.

7 The statement of Shri Jagtiani that as and when the plaintiff rely on these documents which according to them are confidential in support of the plaint, they shall file an affidavit of documents including these documents and will give inspection of these documents to the defendants, is accepted. The plaintiff to give inspection of these documents within two weeks of filing affidavit of documents.

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8 In view of the order passed in chamber summons No.1454 of 2015, the counsel for the defendants seeks leave to withdraw chamber summons with liberty to take out fresh chamber summons, if advised, after filing the written statement at the appropriate stage.

9 The chamber summons dismissed as withdrawn with liberty as sought.

10 Notice of Motion No.1265 of 2013 and chamber summons No.1456 of 2015 be listed on 17th November 2016.

(K.R. SHRIRAM, J.)