

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

**NOTICE OF MOTION NO.373 OF 2014
WITH
NOTICE OF MOTION NO.1729 OF 2015
IN
SUIT NO.214 OF 2014**

Reliance Infrastructure LimitedPlaintiff

Vs.

Shri Sanjay NirupamDefendant

Mr. V.R. Dhond, senior advocate a/w. Mr. Shailesh Mendon, Mr. D.J. Kakalia and Mr. Paresh Patkar i/b. M/s. Mulla and Mulla and CBC for plaintiff and applicant in NMS/373/2014.

Mr. B.A. Desai, senior advocate a/w. Mr. Bhojraj Barot i/b. Mr. Manmohan Rao for defendant and applicant in NMS/1729/2015.

CORAM : K.R.SHRIRAM, J.

DATE : 12th JUNE, 2017

PC.:

NOTICE OF MOTION NO.373 OF 2014

1 This is a suit filed by plaintiff for defamation claiming a sum of Rs.100 crores. This was filed in view of certain statements made/letters written by defendant, which according to plaintiff was per se defamatory. On 17th February, 2014, this court was pleased to grant ad-interim injunction against defendant in terms of prayer clause – (a) of the notice of motion which was continued on 20th February, 2014 and has been in force even today. Mr. Dhond, senior counsel, on instructions states that if this order is continued, he will not press for other reliefs in the notice of motion.

2 The suit being a suit for defamation in view of certain articles publishes/letters written, prima facie, I am of the view that if the ad-interim order passed on 17th February, 2014 read with order dated 20th February, 2014 is continued, it would meet the interest of justice and it will not cause any prejudice to defendant. In view thereof, the ad-interim order passed on 17th February, 2014 read with order dated 20th February, 2014 is confirmed as order in the notice of motion and the notice of motion accordingly stands disposed.

3 Mr. Desai, senior counsel seeks leave to take out a fresh notice of motion for setting aside this injunction order. If defendant, in law, is entitled to take such an action, it is for defendant to take out and the court will consider the same on its merits.

NOTICE OF MOTION NO.1729 OF 2015

1 This notice of motion is taken out by defendant for setting aside the order dated 23rd March, 2015 passed by the Prothonotary and Senior Master transferring the suit to the list of undefended suits and to take the written statement affirmed on 28th September, 2015 on record.

2 I have heard the counsel and also considered the affidavit in support. In my view, it is a fit case to condone the delay and to direct the registry to take the written statement on record.

3 In the circumstances, the notice of motion is allowed and accordingly disposed in terms of prayer clauses – (a) and (b). Mr. Desai states that copy of the written statement has already been served upon plaintiff. Mr. Desai further states the written statement will be filed in the registry latest by tomorrow, i.e., 13th June, 2017. Registry to accept the same and take the same on record subject to removal of office objections, if any.

4 Suit be listed for issues on 4th July, 2017 on which date parties to come with agreed draft issues and a separate list of issues on which they are unable to agree. In the meantime, parties shall also file their respective affidavit of documents and complete discovery and inspection.

(K.R. SHRIRAM, J.)