

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

***NOTICE OF MOTION NO.431 OF 2017  
IN  
SUIT NO.675 OF 2014  
WITH  
SUIT NO.675 OF 2014***

People Interactive (I) Pvt. Ltd. .. Applicant/Plaintiff

Vs.

Gaurav Jerry .. Defendant

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Rashmin Khandekar a/w Mr.Hemant Thadhani i/by Krishna and  
Saurastri Associates for the plaintiff.

None for the defendant.

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***CORAM : R.D. DHANUKA, J.***

***DATE : 12th June 2017***

P.C. :

. By this notice of motion filed under Rule 90 of the High Court (Original Side) Rules, 1980, the applicant (original plaintiff) seeks judgment for want of written statement and for various reliefs.

2 Learned counsel appearing for the applicant invited my attention to the order dated 16<sup>th</sup> June 2016 passed by this Court in Notice of Motion No.279 of 2015 disposing of the said notice of motion. In the said order, this Court had observed that the writ of summons having been served by substituted service and no written statement having been filed, leave was granted to the plaintiff to file notice of motion under Rule 90 of the High Court (Original Side) Rules, 1980 for judgment for want of written statement.

3. The applicant has already filed affidavit of service in so far as this notice of motion is concerned. None appears for the defendant though served.

4. A perusal of the said order dated 16<sup>th</sup> June 2016 clearly indicates that the writ of summons have been served upon the defendant by substituted service, however, no written statement has been filed by the defendant.

5. I have heard the learned counsel for the applicant and have perused the affidavit in support of the notice of motion. The applicant has made out a case for passing a judgment for written statement in this notice of motion under Rule 90 of the High Court (Original Side) Rules, 1980.

6. I therefore pass the following order :-

- (i) Notice of motion is made absolute in terms of prayer clauses (a) to (d).
- (ii) Suit is decreed in aforesaid terms.
- (iii) Cost of the notice of motion as well as of the suit as per the rules.
- (iv) Suit as well as notice of motion are disposed of in aforesaid terms.

***R.D. DHANUKA, J.***