

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

IN ITS COMMERCIAL DIVISION

**NOTICE OF MOTION NO. 2 OF 2013
IN
COMMERCIAL SUIT NO. 18 OF 2013**

Arihant Fabrics .. Plaintiff/Applicant
Vs.
Koutons Retail India Ltd. .. Defendant

Mr.Anand Mishra i/b Ashok M. Saraogi for plaintiff/applicant.

None for defendant.

**CORAM : K.R.SHRIRAM, J.
DATE : 21ST SEPTEMBER 2017**

P.C.

This is a money suit and unless plaintiff proves in a trial the amounts claimed, plaintiff cannot even get a decree. What plaintiff is seeking is an attachment before judgment. There is not even an averment in the plaint that defendant is disposing all its assets. What is stated in Paragraph 12 of the plaint is that defendant is trying to dispose of their properties without any basis. A mere statement like this cannot be accepted for granting an attachment before judgment.

Notice of motion dismissed with no order as to costs.

(K.R. SHRIRAM, J.)