

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

**NOTICE OF MOTION NO.(L) NO.282 OF 2017
IN
COMMERCIAL SUIT (L) NO.277 OF 2017**

Unimark Remedies Ltd. .. Petitioner

vs.

Pravir Choubey .. Respondent

Mr.Sahil Mahajan a/w Mr.Utsav Salunke and Mr.Tanmay Kelkar for the petitioner

Mr.Suraj B.Gothwal for the respondent

**CORAM : K. K. TATED, J
DATE : MAY 9, 2017
(VACATION COURT)**

P.C.:

- 1 Heard the learned counsel for the parties.
- 2 The learned counsel for the respondent filed affidavit in reply dated 9.5.2017. Same is taken on record.
- 3 In the present proceeding, plaintiff filed commercial suit lodging no.277 of 2017 for declaration that the Service Cum Partnership Agreement dated 01.09.2016 (Exhibit-C) is not enforceable and not binding upon the plaintiff along with other reliefs.
- 4 The plaintiff preferred present Notice of Motion for an order of

injunction restraining the defendant from disclosing the documents, data and information of the plaintiff Company to any third party and also directing the defendant to handover Laptop along with other documents as per prayer clause (b) of the Notice of Motion.

5 The learned counsel for the plaintiff submits that defendant in his affidavit in reply dated 9.5.2017 in para 13 specifically made a statement that they are ready and willing to hand over the laptop to the plaintiff. He further submits that defendant also made statement in paragraph 15 of the affidavit in reply that he will not disclose the plaintiff's information to anybody else. He submits that in view of the statement made by the defendant on solemn affirmation in affidavit in reply he received instruction not to press the present Notice of Motion.

6 Advocate for the defendant undertakes to file his Vakalatnama within one week from today. Undertaking is accepted.

7 Hence, following order:

a) Statement made by the defendant in his affidavit in reply dated 9.5.2017 in paragraph 13 and 15 are accepted.

b) The learned counsel for the defendant made a statement before this court that they have no objection to hand over the said laptop to the plaintiff but they have to collect from Bhopal.

c) Plaintiff to collect their laptop from defendant at Bhopal within two weeks from today.

d) Notice of Motion stands disposed of on above terms and conditions.

e) No order as to costs.

(K.K.TATED, J.)