

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

NOTICE OF MOTION NO.50 OF 2016

IN

COMMERCIAL SUMMARY SUIT NO.22 OF 2016

Strides Shasun Ltd.	... Applicant
and	
Stemade Biotech Pvt.Ltd.	... Plaintiff
v/s	
Generic Partners Pty. And anr.	... Defendants

Mr Amit Vyas with Mr Rohan Mathur i/b M/s Vertices Partners for Plaintiff.

Mr Navroz Seervai, Sr. Counsel with Mr Haarsh B. Buch and Ms Tulsi Bhatia i/b M/s ALMT Legal for Defendant No.1.

Mr Dharam Jurnani with Ms Trisha Sarkar i/b M/s DSK Legal for Defendant No.2.

CORAM : B.P. COLABAWALLA, J.

DATE : NOVEMBER 6, 2017

P.C.:

1. Not on board, taken on board by consent of the parties.

Heard finally.

2. This Notice of Motion has been filed by the Defendant No.2 seeking a rejection of the plaint in the present Suit under the

provisions of sub-rule (a) of Rule 11 of Order VII of the Code of Civil Procedure, 1908 and seeking an order for dismissal of the present Suit against Defendant No.2.

3. On going through the plaint filed in the Summary Suit, I find that the Plaintiff himself has stated that the Defendant No.2 is added as a proforma party to the Suit and no reliefs are claimed against him. Even in the prayer clauses of the plaint, the Plaintiff seek a decree against Defendant No.1.

3. Faced with this situation, the learned counsel appearing on behalf of the Plaintiff stated that he will drop and delete Defendant No.2 from the present Suit. In view of the aforesaid statement, nothing survives in the Notice of Motion filed by the Defendant No.2 and the same is disposed off accordingly. Amendment of deleting Defendant No.2 from the Suit shall be carried out on or before 15th November 2017.

(B.P. COLABAWALLA, J.)