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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION (STAMP) NO.26987 OF 2018

Finolex Cables Ltd.	...Petitioner
V/s.	
Finolex Industries Ltd. & Ors.	...Respondents

Dr.Birendra Saraf with Dr.Abhinav Chandrachud, Ms.Neha Prashant and Ms.Shradha Achliya i/b Juris Corp for the Petitioner.

Mr.Janak Dwarkadas, Senior Counsel with Mr.Ashish Kamat I/b Mr.SS. Kanetkar for the Respondent No.1.

Mr.V.V. Thorat, Senior Counsel I/b Mr.Abhijeet Marathe for the Respondent No.2.

Mr.P.S. Dani, Senior Counsel with Mr.Kunal Mehta I/b Mr.S.S. Kanetkar for the Respondent No.3.

CORAM : R.D. DHANUKA, J.
DATE : 19TH SEPTEMBER, 2018.

P.C. :-

1. The papers are allowed to be produced at 3:00 p.m.
2. Dr.Saraf, learned counsel appearing for the petitioner on instruction states that his client has no objection if the application for interim relief filed by his client in Regular Civil Suit No.146 of 2018 is heard and decided by the learned 5th Joint Civil Judge, Senior Division, Pune on 21st September, 2018. He will press for ad-interim reliefs in the said application on 21st September, 2018.
3. Mr.Dwarkadas, Mr.Thorat and Mr.Dani, learned senior

counsel appearing for the respondent nos.1, 2 and 3 respectively have no objection if the petitioner is allowed to press for *ad-interim* relief in the application filed by the petitioner in Regular Civil Suit No.146 of 2018 and if the same is heard and decided by the learned 5th Joint Civil Judge, Senior Division, Pune on 21st September, 2018 or thereafter. The statements made by the learned senior counsel for the respondents are accepted.

4. The learned 5th Joint Civil Judge, Senior Division, Pune is directed to hear and decide the *ad-interim* application filed in Regular Civil Suit No.146 of 2018 on 21st September, 2018 and shall not grant any adjournment to any of the parties to the said application. Learned 5th Joint Civil Judge, Senior Division, Pune shall decide the said application on the same day and communicate the order to both the parties. The papers and proceedings of the said suit along with interim application shall be served upon the learned advocates representing the contesting respondents even if they are already served during the course of the day. All the parties have agreed to make brief submissions before the learned 5th Joint Civil Judge, Senior Division, Pune to enable the learned Trial Judge to dispose of the said application for *ad-interim* relief on the same day.

5. The petitioner is permitted to file the office copy of the proceedings of the said civil suit as well as the application for interim

relief duly certified by the advocate for the petitioner.

6. A copy of the draft affidavit in reply shall be served upon the petitioner's advocate having his office at Pune, whose name would be conveyed to the respondents' advocate during the course of the day at or before 9:00 p.m. today.

7. The respondents are permitted to serve the copies of the annexures to the draft affidavit in reply by 11:00 a.m. tomorrow. It is made clear that no further extension of time would be granted to serve a copy of the draft reply and/or copies of the annexures upon the petitioner's advocate. The respondents would be permitted to rely upon the said affidavit in reply before the learned 5th Joint Civil Judge, Senior Division, Pune at the time of hearing of the interim relief application directed to be heard by the learned 5th Joint Civil Judge, Senior Division, Pune.

8. The parties are directed to co-operate with each other and also with the learned 5th Joint Civil Judge, Senior Division, Pune to consider and dispose of the application for *ad-interim* reliefs in the said application on 21st September, 2018.

9. The writ petition is accordingly disposed of in aforesaid terms. There shall be no order as to costs. This Court has not expressed any views on the merit of the matter. All the contentions of the parties on merits are kept open.

10. All the parties as well as the learned 5th Joint Civil Judge,
Senior Division, Pune to act on the authenticated copy of this order.

Vasant
Anandrao
Idhol

Digitally signed by
Vasant Anandrao Idhol
Date: 2018.09.19
18:59:11 +0530

(R.D. DHANUKA, J.)