

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY AND ORIGINAL CIVIL JURISDICTION
IN ITS COMMERCIAL DIVISION
COMMERCIAL NOTICE OF MOTION NO.122 OF 2017
IN
COMMERCIAL SUIT NO.117 OF 2017**

M/s. Responsive Industries Limited & Anr.Applicants/Plaintiffs
Vs.

Universal Brotherhood Trust Charities & Ors.Defendants

Ms. Rushita Jain for applicants/plaintiffs.

Mr. Vatsal Shah a/w. Mr. N.T. More I/b. MMK Law Associates for defendant nos.4 and 5.

Ms. Pratiksha Agrawal I/b. Vaish Associates for defendant nos.7 and 8.

CORAM : K.R.SHRIRAM, J.

DATE : 4th DECEMBER 2018

P.C.:

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1 The claim in the suit is a money claim. Admittedly, the agreement was entered into between plaintiffs and defendant nos.1 and 2 and not defendant no.4. The basis of filing a suit against defendant nos.4 and 5 is based on the investigation by EOW against various parties including defendant nos.4 and 5. That cannot be a reason for granting an order as prayed for under Order 38 Rule 5 of the Code of Civil Procedure, 1908.

2 Therefore, notice of motion dismissed.

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1 Pleadings in the suit are completed. Therefore, the following further directions are passed :

(a) parties to file their respective affidavit of documents

and serve a copy thereof upon the other side on or before 11th December 2018, failing which parties will not be permitted to rely on any document, copy whereof is not annexed to the plaint and/or written statement or mentioned in the list of documents annexed to the plaint and/or written statement;

(b) inspection to be given and statement of admission and denial with reasons for denial to be exchanged by 18th December 2018. If the statement of admission and denial is not given, parties shall be deemed to have admitted the existence of all the documents of the other side. If inspection is not given, such party will not be permitted to rely on any document.

2 Suit be listed for issues on 19th December 2018 on which date parties shall come with agreed draft issues and a separate list of issues on which they are unable to agree.

(K.R. SHRIRAM, J.)