

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

**SUIT NO.71 OF 2017
WITH
NOTICE OF MOTION NO.1293 OF 2017
IN
SUIT NO.71 OF 2017**

Kratos Energy and Infrastructure Limited	Plaintiff
Vs.	
Mrs. Nandita Manoj Trivedi and Anr.	Defendants

Mr. Omprakash Soni for plaintiff.
None for defendants.

**CORAM : K.R.SHRIRAM, J.
DATE : 7th DECEMBER 2018**

P.C.:

NOTICE OF MOTION NO.1293 OF 2017

1 There is no averment in the affidavit in support that there is a threat of plaintiff being evicted. Infact to a query posed by the Court, Mr. Soni in fairness stated that there is no such threat and plaintiff has been in the suit premises from 1996 onwards. Therefore, notice of motion is not maintainable.

2 Notice of motion dismissed.

3 As regards the suit, *ex-facie* it appears to be not maintainable. Mr. Soni states that he is not prepared to argue today but he will, however, satisfy the Court that the suit is maintainable. Mr. Soni states that all defendants have been served the writ of summons. Registry to take the affidavit of service on record.

4 Stand over to 14th December 2018.

(K.R. SHRIRAM, J.)