

Atul

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
IN ITS COMMERCIAL DIVISION
NOTICE OF MOTION (L) NO. 1627 OF 2018
IN
COMMERCIAL SUIT (L) NO. 899 OF 2018**

Pooja Entertainment and Films Ltd ...Plaintiff
Versus
Kriarj Entertainment Pvt Ltd & Ors ...Defendants

Mr Vibhav Krishna, *with Devang Lakhotia, i/b Juris Consillis, for
the Plaintiff.*
Dr Birendra Saraf, *with Krunal Mehta, i/b Naik Naik & Co., for
Defendant No. 7.*

CORAM: G.S. PATEL, J
DATED: 19th July 2018

PC:-

1. The application is in the incorrect form. This irregularity is condoned.
2. Leave is sought under Order II Rule 2 of the Code of Civil Procedure 1908. Having regard to the averments in paragraphs 5 and 6 of the Petition, I will grant the leave but only in regard to the relief sought for damages for breach of contract mentioned in paragraph 5(v) of the Petition. Thus in the present Suit, the Plaintiffs may omit

to sue for damages. This is the limited relief granted. This is without prejudice to the rival rights and contentions. I note that Dr Saraf on behalf of the Defendants states that the Suit is filed contrary to certain orders passed by the Delhi High Court. All those contentions are of course left open.

3. The Notice of Motion is disposed of in these terms. No costs.

(G. S. PATEL, J)