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

SUMMONS FOR JUDGMENT NO. 28 OF 2018

IN

COMMERCIAL SUMMARY SUIT NO. 115 OF 2016

WITH

NOTICE OF MOTION NO. 250 OF 2017

AND

NOTICE OF MOTION NO. 259 OF 2017

IN

COMMERCIAL SUMMARY SUIT NO. 115 OF 2016

Oracle Retail India

... Plaintiff

vs.

Tata International Wolverine Brands
Limited (TIWBL) and Ors.

... Defendants

Ms. Priyanka Patil i/b. Mr. Bhushan V. Mahadik for the Plaintiff.

Mr. Rohan Bangar i/b. Zunjarrao and Co. for Defendant no. 1.

Mr. Atharva Dandekar i/b. Mr. Abhijeet Marathe for Defendant nos. 2 to 5.

Mr. Chirag Dave and Mr. Rupesh Geete i/b. Legasis Partners for Defendant nos. 9 to 17.

CORAM : A.K. MENON, J.

DATE : 23rd JULY, 2018

P. C.

1. Learned counsel for the plaintiff states on instructions of the plaintiff that she does not wish to press the suit against defendant nos. 2 to 5 and 9 to 17. In the circumstances there is no question of hearing this Summons for Judgment against these defendants.

2. Learned counsel for the plaintiff further states that the suit is being pressed only against defendant nos. 1, 6, 7 and 8. Defendant no. 1 is represented today. Learned counsel for defendant no. 1 seeks time to file affidavit in reply. As far as defendant nos. 6, 7 and 8 are concerned admittedly, there is no vakalatnama filed. In the circumstances there is no question of the summons for judgment being directed against these defendants. She seeks time to ascertain whether summons has been served upon defendant nos. 6, 7 and 8.

3. Learned counsel for defendant nos. 2 to 5 states that Notice of Motion No. 250 of 2017 has been taken out for striking out name of the said defendants likewise counsel for the defendant nos. 9 to 17 also states that separate Notice of Motion No. 259 of 2017 has been taken out to strike out their names from the array of parties. Accordingly, I pass the following order :

- (i) Suit against defendant nos. 2 to 5 and 9 to 17 is dismissed as withdrawn.
- (ii) In view of the dismissal of the suit as aforesaid summons for judgment against these defendants being defendant nos. 2 to 5 and 9 to 17 and Notices of Motion Nos. 250 of 2017 and 259 of 2017 do not survive and they are hereby disposed.
- (iv) Replies to the Summons shall be filed by defendant no. 1 .
- (v) It appears that the plaintiff has made defendant nos. 2 to 5 and 9 to 17 parties to the suit without any cause of action against them. In the circumstances the plaintiff shall pay costs quantified at Rs.10,000/- to

Maharashtra State Legal Services Authority (MSLSA) within a period of two weeks from today. MSLSA to transfer the said costs to the Juvenile Justice Fund.

(vi) Stand over to 6th August, 2018.

(A.K. MENON, J.)

Rajeshwari
Ramesh
Pillai

Digitally
signed by
Rajeshwari
Ramesh
Pillai

Date:
2018.07.25
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