

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

NOTICE OF MOTION NO.574 OF 2017

IN

COMM.SUIT NO.651 OF 2017

Pembridge Associates Limited)....Plaintiff/Applicant

V/s.

Md Ashraf Ali Khan)....Defendant

Mr.Jaideep Singh Khatteir a/w Mr.Vaisakh Shaji I/by Khaitan and Co.
for plaintiff/applicant.

Mr.Prasad Bhabal I/by Sushant Prabhune for defendant

CORAM : K.R.SHRIRAM,J

DATE : 19.3.2019

P.C.:-

1. Suit is a pure money claim suit wherein plaintiff is claiming sum of GBP 438,852.46 plus interest. The claim is based on an agreement dated 26.3.2012 and the said agreement was terminated on 30.1.2014. The suit itself has been lodged only on 31.1.2017. It is stated in the plaint that an earlier suit being Suit No.305 of 2014 was filed which was withdrawn with liberty to approach the appropriate court of jurisdiction.

2. The relief being sought is in the nature of an attachment before judgment.

3. I have considered the plaint, affidavit in support and I see no case is made out for attachment before judgment.

4. Notice of Motion dismissed. Cost to be costs in the suit.

5. Pleadings are complete. Inspection to be completed by 19.4.2019. If inspection is not given, such party will not be permitted to rely on such document. This shall, however, not preclude a party from confronting a witness of the other with any document.

By 26.4.2019 statement of admission and denial with reasons for denial to be exchanged. 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.

6. On the next date both the parties shall come with agreed draft of issues and a separate list of issues on which they are unable to agree, failing which parties will be put to terms.

Stand over to 2.5.2019 for issues.

(K.R.SHRIRAM,J)