

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

**NOTICE OF MOTION NO. 1030 OF 2019
IN
NOTICE OF MOTION NO. 794 OF 2018
IN
COMMERCIAL IP SUIT NO. 479 OF 2018**

Veena Sudhir Patil & Anr.	...Plaintiffs
vs.	
Veena World Travel Pvt.Ltd. & Ors.	...Defendants

Mr.Amit A. Gharte for Plaintiffs/Applicants.
Mr.V.H. Narvekar for Defendant No.1.

CORAM : S.C. GUPTE, J.

DATE : 6 DECEMBER 2019

PC. :

This notice of motion has been taken out under Order 39 Rule 2A of the Code of Civil Procedure alleging a deliberate breach or disobedience of a consent decree passed by this court on 26 April 2018.

2 Learned Counsel for the Applicants/Plaintiffs submits that prayer clauses (a) to (d) of the notice of motion have already been worked out in pursuance of various orders passed by this court from time to time. The prayers have been effectively complied with by the Defendants themselves. Learned Counsel submits that originally there has been a prayer in the notice of motion (prayer clause (e) seeking permission to the Plaintiffs to serve copies of all orders of this court with directions not to alienate the URL www.veenatour.com and hold the same as an agent of Court Receiver appointed under Order 40 of the CPC. Learned Counsel submits that considering the fact that Defendant No.5, whose official

address is in Mumbai, is not responding to any notice and that Defendant No.5 is actually a foreign entity, his clients do not press any relief at this stage *qua* Defendant No.5. He submits that his clients reserve right to adopt appropriate proceedings against Defendant No.5 as and when deemed fit. The statement is noted. In view of the above, the notice of motion can be appropriately disposed of. Learned Counsel for the Applicants/Plaintiffs submits that substantial costs should be imposed on Defendant No.1.

3 Learned Counsel for Defendant No.1 submits that his client is in severe financial circumstances. It is submitted that the transport business carried on by Defendant No.1 has run into losses. Learned Counsel submits that mercy be accordingly shown to Defendant No.1 in the matter of fixation of costs.

4 Considering the controversy and the role played by Defendant No.1 and also considering that in pursuance of orders passed by this court, Defendant No.1 has duly complied with the requisitions made in the notice of motion, the Applicants/Plaintiffs are awarded costs in the sum of Rupees One Lakh.

5 Learned Counsel for the Applicants/Plaintiffs suggests that the costs may be paid to Kritika Law Library of this court.

6 Accordingly, Defendant No.1 is directed to pay costs ordered as above to Kirtika Law Library within eight weeks from today.

7 The notice of motion is disposed of.

(S.C. GUPTE, J.)