

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

**SUIT NO.231 OF 2017
WITH
NOTICE OF MOTION NO.710 OF 2017
WITH
NOTICE OF MOTION NO.1665 OF 2018
IN
SUIT NO.231 OF 2017**

Rehan Yar KhanPlaintiff

Vs.

WWW.THE-KEN.COM and Ors.Defendants

Mr. Rachit Lakhmani I/b. Vis Legis Law Practice for plaintiff.
Mr. Manoj Harit I/b. Manoj Harit and Company for defendant nos.1 to 4.
Mr. Rahul Singh for defendant no.5.

**CORAM : K.R.SHRIRAM, J.
DATE : 11th JANUARY 2019**

P.C.:

SUIT NO.231 OF 2017

1 None of the defendants, though served, have filed written statement.

2 The written statement to be filed and copy served by 19th January 2019.

3 By 30th January 2019 parties shall file their respective affidavit of documents and serve a copy thereof upon the other side, failing which parties will not be permitted to rely on any document, copy whereof is not annexed to the plaint and/or written statement or mentioned in the list of documents annexed to the plaint and/or written statement. This will not,

however, prevent a party from confronting a witness of another party with any document.

4 By 6th February 2019 inspection to be completed. If inspection is not given, such party will not be permitted to rely on any document. By 11th February 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.

5 Suit be listed for issues on 13th February 2019 on which date parties shall come with agreed draft issues and a separate list of issues on which they are unable to agree. On the next date, if parties do not come with draft issues, they are put to notice that parties will be put to terms.

NOTICE OF MOTION NO.710 OF 2017

1 The counsel for defendant nos.1 to 4 denies that they published anything defamatory. The counsel for defendant nos.1 to 4 further states that the articles, which is the subject matter of this suit, has been pulled down and defendant nos.1 to 4 have no intentions to put up anything that can even remotely be considered as defamatory.

2 In view of the above, the order dated 4th May 2017 is confirmed as order in the notice of motion and notice of motion stands disposed.

NOTICE OF MOTION NO.1665 OF 2018

1 Mr. Lakhmani, counsel for plaintiff states that this notice of motion was taken out because even after the ad-interim order was passed on 4th May 2017, certain links and references continued to appear in the search engine/website. Mr. Lakhmani, counsel for plaintiff states that his current instructions are that all those links and references no longer appear.

2 Mr. Lakhmani seeks leave to withdraw the notice of motion with liberty to approach the Court should the need arise.

3 Notice of motion dismissed as withdrawn with the liberty as prayed for.

(K.R. SHRIRAM, J.)