

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY AND ORIGINAL CIVIL JURISDICTION
COMMERCIAL CHAMBER SUMMONS NO.127 OF 2017
IN
COMMERCIAL IP SUIT NO.295 OF 2015**

Siddhi Vinayak Knots & Prints Pvt Ltd ..Plaintiff/Applicant
Vs.
Crafts Villa Through Directors & Ors ..Defendants

WITH
COMMERCIAL NOTICE OF MOTION NO.319 OF 2016
IN
COMMERCIAL IP SUIT NO.295 OF 2015

Ms Priyanka Patil I/b Mr. Bhushan Mahadik for Plaintiff/Applicant
Ms Jennifer Michael I/b Mr. Anil D'Souza for erstwhile Defendant Nos.1 to 4

**CORAM : K.R.SHRIRAM, J.
DATE : 3rd JUNE 2019**

P.C.:

1 Ms Michael states that her instructions are that defendant nos.1 to 4, have been directed to be dropped from the array of defendants. Ms Michael states that defendant nos.1 to 4, however, continue to be shown in the title and even in the present chamber summons they are still shown as party defendants.

2 Ms Patil appearing for applicant states that the matter was handled by her colleague earlier, who has since left the firm and undertakes to this court to carry out the amendment within two weeks from today. Undertaking accepted. It is made clear, if the amendment is not carried out

within two weeks provided, the suit will stand dismissed without further reference to this court.

3 That would leave defendant nos.5 and 6 shown in the cause title as the only defendants. This chamber summons has been served on those defendants, i.e., Phlipcard and Shailesh V. Sheta, owner of Phlipcart (defendant nos.5 and 6 respectively) and the affidavit of service of Nandadeep Sawant affirmed on 24th March 2017 indicates that these two parties have been served way back in 2017. No reply is filed opposing the chamber summons.

4 In the circumstances, chamber summons is allowed in terms of prayer clause (a). Amendment to be carried out and amended plaint to be served within three weeks from today. If Writ of summons is yet to be served it shall be served within this period. Leave to serve by hand delivery apart from the usual mode granted.

5 Since this is a commercial suit, I grant 30 days time to defendants to file the written statement from the date of receiving the amended plaint.

6 Chamber summons accordingly stands disposed.

7 Suit be listed for directions on 26th July 2019.

(K.R. SHRIRAM, J.)