

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

**COMMERCIAL CHAMBER SUMMONS NO.1437 OF 2018
WITH
COMMERCIAL NOTICE OF MOTION NO.23 OF 2014
WITH
COMMERCIAL NOTICE OF MOTION NO.24 OF 2014
WITH
COMMERCIAL CHAMBER SUMMONS NO.1434 OF 2018
WITH
COUNTER CLAIM NO.2 OF 2013
IN
COMMERCIAL IP SUIT NO.105 OF 2012**

B4U Broadband (India) Pvt. Ltd. & Ors.Plaintiffs

Vs.

Indian Performing Rights Society (IPRS) & Ors.Defendants

**WITH
COMMERCIAL NOTICE OF MOTION NO.60 OF 2015
IN
COMMERCIAL IP SUIT NO.233 OF 2015**

Mr. Dhiraj Mhetre I/b. Khaitan Legal Associates for Plaintiffs.
Mr. Sandeep V. Marne for applicant/defendants.

**CORAM : K.R.SHRIRAM, J.
DATE : 1st JULY 2019**

P.C.:

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1 At the outset, Mr. Marne states that in the cause title inadvertently the names of defendant nos.2 and 3 are shown, whereas defendant nos.2 and 3 were ordered to be deleted long ago. Mr. Marne seeks leave to amend the cause title.

2 Leave granted. Amendment to be carried out forthwith.

3 Mr. Mhetre, counsel for plaintiffs has no objection to the proposed amendment to the written statement.

4 In view thereof, chamber summons is allowed and accordingly disposed in terms of prayer clause – (a).

5 Amendment to be carried out and copy of the amended written statement to be served within two weeks from today.

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6 In view of the order passed in chamber summons no.1437 of 2018, Mr. Mhetre, counsel for defendant to the counter claim has no objection.

7 Chamber summons is allowed and accordingly disposed in terms of prayer clause – (a).

8 Amendment to be carried out and copy of the amended plaint to be served within two weeks from today.

9 Additional written statement to be filed and copy served within two weeks of receiving copy of the amended plaint.

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10 On or before 9th August 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 and 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.

11 By 16th August 2019 inspection to be completed. If inspection is not given, such party will not be permitted to rely on such document. By 23rd August 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.

12 Suit be listed for issues on 28th August 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.

(K.R. SHRIRAM, J.)