

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

NOTICE OF MOTION NO.397 OF 2017

IN

COMM. SUIT NO.150 OF 2017

Khalid Haji Mubarak Nagori)....Plaintiff

V/s.

M/s.Shree Shubh Enterprise & Ors.)....Defendants

Ms.Brenda Barnes I/by Mehul R.Thakker for plaintiff.

Mr.Prashant Dingrani I/by R.B.Wadhwani for defendant nos.6 & 7.

CORAM : K.R.SHRIRAM,J

DATE : 19.3.2019

P.C.:-

1. Counsel for defendant nos.6 & 7 states that the ad-interim order passed on 16.6.2016 be confirmed as order in the Notice of Motion. Counsel for plaintiff also agrees. Therefore, the order dated 16.6.2016 is confirmed as order in the Notice of Motion and Notice of Motion accordingly disposed.

2. Ms.Barnes for plaintiff states that all defendants have been served with writ of summons and except defendant nos.1, 2, 6 & 7 nobody else has entered appearance and only defendant nos. 6 & 7

have filed written statement. Ms.Barnes undertakes to file affidavit of service within one week from today.

3. Suit as against defendant nos.1, 2, 3, 4 & 5 has already been transferred to the list of undefended suit.

4. As regards plaintiff and defendant nos.6 & 7, the parties to give inspection of their respective documents by 5.4.2019. If inspection is not given, such party will not be permitted to rely on such document of which inspection has not been give. This would, however, not preclude a party from confronting a witness of the other side with any document.

By 15.4.2019 parties shall exchange their statement of admission and denial with reasons for denial. 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. Stand over to 24.4.2019 for issues on which date both parties shall come with agreed draft issues and a separate list of issues on which they are unable to agree.

(K.R.SHRIRAM,J)