

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY AND ORIGINAL CIVIL JURISDICTION
NOTICE OF MOTION (L) NO.1563 OF 2019
IN
SUIT (L) NO.275 OF 2019**

Isamil Yakub Payak

..Plaintiff

Vs.

Mukesh Chug & Ors

..Defendants

Mr. Firoz Bharucha a/w Mr. Shyam Panchmukh I/b Aditya Pratap for
Plaintiff/Applicant

Mr. S. R. Moray for Defendants

**CORAM : K.R.SHRIRAM, J.
DATE : 5th AUGUST 2019**

P.C.:

1 Mr. Moray appearing for all defendants undertakes to file vakalatnama within one week. Undertaking accepted.

2 Mr. Moray states that no case has been made out in the plaint or in the affidavit in support of notice of motion that defendants are making or publishing any defamatory material and, therefore, where is the question of granting an ad-interim relief. In any event, Mr. Moray states that defendants have no intentions of making or publishing any defamatory material against plaintiff and, therefore, the court should not pass any orders.

3 In view of this statement, Mr. Bharucha seeks leave to withdraw the notice of motion with liberty to approach the court, should the need arise.

4 Notice of motion disposed as withdrawn with liberty as prayed for.

5 Mr. Moray waives service of writ of summons. Mr. Moray states that the written statement will be filed within 8 weeks from today. Statement accepted. If the written statement is not filed within 8 weeks as directed, the suit be placed in the list of undefended suit. If the written statement is filed, registry is directed to list the matter before Prothonotary and Senior Master, High Court, Bombay.

6 Within three weeks all office objections in the suit as well as notice of motion to be removed and the suit as well as notice of motion to be numbered, failing which, the suit as well as the notice of motion will stand dismissed without further reference to the court.

(K.R. SHRIRAM, J.)